THE NATURE OF ISLAMIC POLITICAL THEORY

MUHAMMAD AZIZ AHMAD

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THE NATURE OF ISLAMIC POLITICAL THEORY

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The Nature of Islamic Political Theory

by

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with

a Foreword by

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TO MY WIFE

Professor Dr. Mrs. Zubaida Aziz

M.B.B.S. (Delhi), F.R.C.S. (Edin.), F.R.F.P.S. (Glasg.), M.R.C.O.G. (London), F.R.C.O.G. (England), F.C.P.S. (Pak.), Ex-W.M.S.

AND CHILDREN

Saad, Saadiya, Seena and Seerat

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11. Proceedings of the Third All-Pakistan Political Science Conference, Karachi.
12. Proceedings of the Fourth All-Pakistan Political Science Conference, Karachi.

FOREWORD

Dr. Muḥammad 'Azīz Aḥmad has done me the honour of asking me to contribute a foreword to his projected book entitled: "The Nature of Islamic Political Theory". I have cursorily glanced through the manuscript of his book. The learned Professor has based his thesis on the original sources of Islamic thought—the Qur'ān and the Sunnah—and has given us the fruits of his life-long research on the subject.

While elucidating his own views, he has drawn on the wealth of political theories formulated by Muslim savants as well as by Western Scholars, both past and present. What has emerged is an interesting comparative study of the basic concepts of Islamic Political Theory, which serves the twin purposes of high-lighting authentic information on what has been and illuminating the lines of what might be, in the shape of things to come. In an ideological State like Pakistan which, in its Constitution, professes the intention of providing all necessary facilities to its Muslim citizens, to enable them to order their lives in accordance with the Islamic values, the importance of such a study can hardly be over-emphasized.

The pressure of modern developments in the socio-economic field calls for a fresh orientation of outlook and a more liberal and broad-minded interpretation of past precedents than the orthodox ulema, reared on an inelastic tradition, might readily countenance. The subject is thus invested with a sensitivity of its own. It is not necessary therefore that all views expressed in this book may attract the assent of all scholars of varying shades of opinion. The exercise in assessment of our past heritage and of lighting up the future avenues of thought, is however, in line with our own best traditions and if the book succeeds in starting a dialogue between the representatives of the conservative approach and the protagonists of change, it would have served its purpose. It is only by the inter-action of minds that we can hope to evolve a stable structure for our Islamic polity.

Lahore — S. A. RAḤMĀN
3 February, 1975 — *Chief Justice of Pakistan (Rtd.)*

PREFACE

Ever since I was a student of M.A. in Political Science at the Lucknow University, I had a special inclination to prosecute my studies as a research scholar on the Isāmic Political Theory. The late Professor Dr. V. S. Rām and the late Professor Muḥammad Ḥabīb guided my studies as a post-Doctoral research scholar. I contributed an article on the Nature of Islāmic Political Theory to the Fourth Session of the Indian Political Science Association in December 1941, which was published in the Annual Number of the *Hindustān Times* in 1942, and later reproduced by the *Dawn*, Delhi, in the same year. I owe an explanation to the reader for the belated completion of this work in 1972.

I took the degree of Ph.D—the first in History and Politics—from the Muslim University of 'Alīgarh in the year, 1939. Having worked there for some twelve years as Lecturer and later as Senior Lecturer in the Department of History and Political Science, I took up appointment as a Research and Reference Officer in August 1947 in Delhi, care of the Partition Council. I naturally opted for Pakistan and served in the Constituent Assembly of Pakistan till 1948, when I had a unique opportunity of working with the United Nations Commission on India and Pākistān as an Assistant Director of Public Relations in the Government of Pakistan. A teaching position in University had always been my first preference and accordingly I joined the University of the Panjab in 1948 and left it in 1951 as Head of the Department of Political Science, having been selected by the Central Public Service Commission for appointment as Deputy Director, Regulations and Information, in the Department of Civil Aviation, Government of Pakistan. Due to pressure of work in the Government I lost two splendid opportunities. Firstly, I could not join the University of Sind, where I was appointed University Professor and Head of the Department of Political Science in 1951. Secondly, I could not join the University

of Oxford, where I was admitted as a senior scholar to work on some aspects of Islāmic Political Theory, through the kind assistance of Professor H. A. R. Gibb. The Government of Pākistān, however sent me to the United States for specialization in International Aviation Law and I thus secured a Certificate in the subject.

It was only in 1962 that by Allāh's Grace I was able to return to the teaching and research profession. I was relieved of my duties in the Air Headquarters, Mauripur, under orders of the President of Pākistān, to serve the Central Institute of Islāmic Research as Registrar and later as Special Research Officer, under the control of Professor Dr. I. H. Qureshī. Later I was appointed Registrar of the University of Karachi and Professor and Head of the Department of Political Science in the University of Karachi. Besides the teaching and research duties, I was burdened with many responsibilities in various capacities as Dean of Students Activities, Inspector of Colleges and Registrar. During this period of some ten years in the University, I managed to save some time to work on my own problem of research and contributed the subject matter of seven chapters—1 and 3 to 8 of the present work to the Karachi University Studies, Social Sciences and Humanities Numbers of the years from 1965 to 1970. My retirement from the University in August 1972 proved a blessing in disguise as now I possessed full time to finalise my work.

The object of study has consistently been the same as I described it in my article—the Nature of Islāmic Political Theory—published in the *Islāmic Culture*, Hyderabad, Deccan, Volume XVII, No. I of January 1943. I have combated the tendency of Muslim Writers "to identify Islām with every form of modern political theory," and criticized the un-Islamic method of interpreting Islāmic concepts and institutions through the medium of Western terminology and techniques.

Here it may be mentioned that during the period of ten years from 1937 to 1947, I remained an active member of the All-India Muslim Students Federation as its Deputy President, and of the All-India Muslim League, as a member of the Provincial and Central Councils as well as of the Education Committee. Since the establishment of Pākistān I have not taken any part in politics

nor have I been a member of any political party. My views as expressed in this work are not, therefore, coloured by any prejudice or partisan spirit. If by going through this work, the present generation of Musalmāns shed their inferiority complex, regard Islām as distinct polity and way of life and realize their true station in the world, my efforts will be more than compensated.

My thanks are due to a number of my friends and colleagues in the University and outside, who have always given me encouragement by discussing many intricate problems connected with the subject. In this connection I have to mention the names of Prof. Maulānā Muntakhib-ul-Ḥaq, Maulānā Ḥasan Muthannā Nadvī, Prof. Ṭayyab Anṣārī, Dr. Bashārat 'Alī and Dr. Burhān Aḥmad Fārūqī. Prof. Dr. I.H. Qureshī kindly examined the first few Chapters and Prof. H. A. R. Gibb went through the material of the later Chapters. I sincerely acknowledge the debt that I owe to Qalander Bābā Awliyā Ḥasan Ukhra Muḥammad 'Aẓīm Berkhiyā for the spiritual guidance that I have always received from him. I mourn the deaths of my father, Shāh Muḥammad Wilāyat Ḥusain Faiḍganjī, my father-in-law, Pīr Ḥaji 'Abdul Karīm, and my uncles, Maulvī Muḥammad Yāsīn Ṣiddīqī and Pīr Syed Ḥamīd Gul Shāh whose love of Islām was a source of inspiration to me.

I feel grateful to Ḥakīm Muḥammad Sa'eed, Chairman, Hamdard National Foundation, for his generous assistance in the publication of this book. My special thanks are due to Mr. Justice S.A. Raḥmān, former Chief Justice of Pākistān and Vice-Chancellor of the Panjab University, for kindly writing a Foreword to this work.

No words can express my feelings of gratitude to my wife and children, who have shared with me joys and sorrows and without whose love and sacrifice life would not have been possible.

I am thankful to Major 'Ārif of the Ma'aref Limited for undertaking this work for printing and publication, and to Wing Commander Quddūs for helping me in the preparation of the Index and correcting the proofs of the book.

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MUḤAMMAD 'AZĪZ AḤMAD
15-11-1974

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CHAPTER I

Dīn—Basis of Political Organization

Among human experiences, the theory and practice of political power has been a very fascinating phenomenon. What we call political theory today is essentially Western, or to put it more appropriately, European; what we style political systems are mainly Western, Anglo-American and European. But mankind has been living elsewhere as well; the people there too have their own experience with the theory and practice of politics. It is now being realized in the West that "the science of politics as a discipline has been working in a limited sector of man's experience with politics—the modern, complex, primarily Western States. Thus, out of the many thousands of experiments with politics which have occurred in history and exist today, political science derives its generalizations from the study of a relatively small number."[1]

The Muslim community which has had a long and chequered career in the annals of human history developed its own political theory and structure, which have been least studied, misrepresented rather ignored in the West. Muslim experiences with the theory and practice of political power had their origin in the Islāmic *Dīn*—code of Divine guidance in all spheres of human activity. Political institutions so developed under the dictate of *Dīn* assumed greatest importance in the organization of wordly and other-worldly affairs.

Religious beliefs and social environment, it is maintained now, influence the working of political systems, yet they are not considered

parts of it. While the modern Western polity separates the church from the state and politics from religion, the Islāmic polity derives its very existence from *Dīn*. However, the West has started lamenting the non-religious basis of their society. One of the greatest truths spoken in this regard in modern times, is the candid profession of a noted political scientist, David E. Apter, who says, "having lost its religious basis, our society is in danger of becoming a system of organized plunder in which meaning derives only from personal gain, orderliness becomes mere containment of anarchy, and the concept of humaneness has no wider distinction than an individual's functional value."[2]

In spite of the fact that political structure assumes a dominating character in the philosophy and activity of life both individual and communal, political theory and institutions could never have a distinct and separate existence in Islām: they were part and parcel of one indivisible whole.

Before describing the underlying principles of Siyāsah Islāmiah, it is worthwhile to consider the meaning and implications of *Islām*. No other faith is so misrepresented and misinterpreted as *Islām* yet it survives by virtue of its purity, vitality and clarity of fundamentals. "A whole series of errors arises from a single fundamental error: misunderstanding this faith of Islām and its path or neglect of this primary, simple truth. The faith of Islām is a divinely ordained path for human life. Its realization in the life of mankind depends on the exertions of men themselves, with the limits of their human capacities and the material realities of human existence in a given environment."[3] Islām is religion, is the general view, and religion is politics. It is erroneous to think that Islām is only religion; it is "more than" that. It is a *dīn*. The terms of religion and *dīn* are to be distinguished at the very outset.

Implications of Religion

Religion, the most obvious phenomenon of human life, is difficult to define. Postulates or arbitrary definitions have been used. Religion is the serious and social attitude of individuals or communities towards the power or powers, which they conceive

as having ultimate control over their interests and destinies.[4] Religion is further defined as "the attitude of a self towards another object, in which the self genuinely believes".[5] The religious attitude of the individual towards the Determiner of Destiny, it is said, must not be mechanical nor coldly intellectual but it must needs be social. A broader definition of religion may be given as a "conscious attitude" of a self towards a Power (or Cosmic Reality) that has complete control over its destinies. Religion differs from theology, philosophy and science in as much as "it consciously cares for the ultimate cosmic problems not on their own account but from practical and personal considerations." Religion, it is believed, is not a doctrine, law or hypothesis but an "attitude of expectancy"—what is going to happen to us? Thus, religion is a "social phenomenon" and is the constitution of human society. Man is a suggestible being and the inborn nature of the individual determines the form of his religious life.

Meaning of Dīn

The term *Dīn* in its original form has been used in the Qur'ān at several places.[6] The term is then qualified as *Dīn-ullāh*[7] (Dīn of Allāh) which expresses its supreme importance for it is not only from God but also belongs to Him. It is further defined as *Dīn-ul-Qayyim*[8] (right *dīn*), *Dīn-il-Ḥaq*[9] (true *Dīn*), *Dīn-i-Ḥanīfah*[10] (straight *Dīn*) and *Aḥsan-u-Dīna* (better in *Dīn*)[11], signifying its purity, superiority, truth and rationality. *Dīn* includes the elements of obedience,[12] law,[13] and requital[14]. It is never narrow[15] nor there is any compulsion[16] in it. Accordingly, the Qur'ān says that "if the associators repent and establish prayer and give the poor rate, they are to be considered as brethren in faith."[17] The term is, therefore, incapable of being translated into religion, law or judgement, as it is usually done in translation. The importance of the "Day of Judgement" is emphasised for it was called as *Yaum-uddīn* (day of *Dīn*). Similarly, the phrase *Dīn-il-Mālik* denotes the legal aspect. Thus, the religious, legal and judicial aspects are only important elements in the comprehensive indivisible code, entitled *Islām*.

Thus *Dīn* is not a human thing, a biological product or instrument but a divine revelation. "This day have I perfected for you your *Dīn* and completed My favour on you and chosen for you Islām as a *Dīn.*"[18] "Surely the (true) *Dīn* with Allāh is Islām."[19] "And whoever desires a faith other than *Islām*, it shall not be accepted for him, and in the hereafter he shall be one of the losers."[20] And the same did Ibrāhīm enjoin on his sons and (so did) Yā'qūb: "O my sons! Surely Allāh has chosen for you (this) faith, therefore die not unless you are Muslims".[21] "Say, surely (as for) me, my Lord has guided me to the right path; to a most right faith, the faith of Ibrāhīm, the upright one, and he was not of the polytheists".[22] A *Dīn* is not, therefore a social product but a divinely ordained institution for human welfare. It is partly theology, partly doctrine partly law . . . "for every one of you did We appoint a law and a *way*".[23] A *Dīn* sets up an ideal to achieve—"enjoin good and forbid wrong" is the basic principle of action. Religious and moral elements are not distinguishable in Islām. Social morality in general consists in the "consciousness of the highest social values." These social values are definitely determined by Islām. *Dīn* is not an "attitude of expectancy"—a mere play or sport, or prize. "And leave those who have taken their faith for a play and an idle sport, and whom this world's life has deceived".[24]

Mīnhāj and Sharī'at

Dīn is to be distinguished from *Minhāj* and *Sharī'at*. *Minhāj* is a way of life and *Sharī'at* is the code of law. It is related in the Qur'ān that every Prophet came with a *Minhāj* and *Sharī'at* [25] which resulted in the formation of a new world order and in it a new man. *Dīn* comprehends both *Minhāj* and *Sharī'at*: it determines a way of life and a law to establish it.

The five fundamentals of *Islām* consist in the belief of the unity of God, the finality of the Prophet, prayer, *Zakāt*, *Ḥaj* and fasting.[26] "The Islāmic principles will perhaps be better defined as a monorealism rather than monotheism. Let us take as an example, the opening declaration of every Islāmic prayer: *Allāh-o-Akbar*. what does this mean? There can be no doubt that the second word

of the declaration contains the character of Allāh as of a matrix which contains all and gives existence to the Infinite, to space, to time, to the universe, to all active and passive forces imaginable to life and to the soul."[27] Accordingly, *Imān* is the abiding faith in Allāh as the Lord, Muḥammad (May Allāh's peace be upon him) as His Prophet and Islām as *Dīn*[28]: it enables a believer to distinguish between the approved and forbidden deeds.[29] *Imān* signifies belief in heart, profession by tongue and action by hands and feet.[30] *Imān* has thus varying degrees of strength in accordance with the degrees of belief and actions possessed by the individual believer.[31] "Because of the absence of a clergy and of any ecclesiastical organization, the feeling of responsibility rests upon the individual believers."[32]

Islām—a Harmonious Whole

Islām as a *Dīn* involves the whole being. It is not only a religion or a name for beliefs or certain forms of worship, it is; in fact, a *way of life*—a complete code for the guidance of the individual's entire life, from the cradle to the grave, and from the grave to the yonder world. The Holy Qur'ān lays down the broad principles of life; the details came from the Prophet. *Dīn* comprehends both *Dunyā* (world) and *Ākhirat* (the yonder world). "We have sent to you clear light."[33] "He is Who hath sent His Apostle with the guidance—the true *Dīn* that He may make it prevail over all *Dīns*."[34] Islām is all embracing in its nature and affects all aspects of human activity—a transformation of the individual, of the family, of the society, of the people, of the country and of humanity; an awakening, rational, intellectual, moral and spiritual; and an attainment of the highest pinnacle of civilization from the lowest depth of degradation. The goal of life is the realization and perfection of the individual self, which depends on the development of human faculties in the right direction. Guidance is necessary in every sphere of life and Islām provides the details of law—complete code of creed and morals, a social order creative of polity with every institution of an extensive commonwealth—all built up in the belief of One God, Omnipotent and Omnipresent. Islām is not theory about reality, but reality itself. It is a single unanalysable reality.

How erroneous is the view that "it is not really faith that is in question here, but knowledge, it is not the attitude to God, but the attitude to law. The difference in the oriental is not essentially religiosity, but the lack of the sense of law."[35] The confusion was, however, otherwise as it was "made worse by the coming of theological strifes. Theories arose out of questions of practical politics."[36]

Islām is thus a blending of various elements into one harmonious whole; no one aspect of it can be isolated or considered without reference to the others. From a single revelation, the Qur'ān, proceed the conception of *Dīn* and *Mulk*, ethics and politics, economics and sociology. "Most surely, He who has made the Qur'ān binding on you will bring you back to the destination"[37] "O Man! consider the Qur'ān full of wisdom,"[38] "a herald of good tidings and a warner."[39]

Politics and religion can not be separated in *Islām*. *Mulk, Millat, Imām*, individual and government cannot be treated separately; again, the various aspects of man's life—social, political, religious and economic cannot be isolated in watertight compartments. *Iqbāl* said, "In Islām it is the same reality which appears as church looked at from one point of view and state from another."[40] The British can establish and run their parliamentary form of government without being Christians, but no Islāmic government can be worked by non-Muslims. It is Islām that guides all the institutions of the Muslims, and no institution is independent of the others.

"Islām has been crudely described as a "totalitarian religion."[41] "Muḥammad (May Allāh's peace be upon him) not only founded a new religion but established a new polity. By converting his countrymen to the faith in one God, he destroyed the old constitution of his native town, and in place of the old aristocratic tribal constitution, which meant conduct of public affairs by the ruling families, set up an out and out theocratic constitution, at the head of which he stood as the representative of God on earth."[42]

Metaphysical Theory of Politics

In order to understand the true nature of Islamic political theory, a reference is to be made to the ethical and metaphysical background

of Islām. Islām believes in a progressive spiritual universe and spiritual beings with their distinct individualities realizing their destiny by mastering their environment under a universal structure founded on divine law and organization—all organically related to one another.

Islām sets forth a philosophy of life regarding man's vision of himself, his Allāh and the world that surrounds him. The Qur'ān awakens in man the "higher consciousness of his manifold relations" with Allāh and the universe. "Religious truth," says Caird, "differs from all other kinds of truth in this that it has been authoritatively revealed, and an authoritative revelation implies the incompetence of human reason either to discover or to criticise its contents."[43] Islām is both an elucidation of the supernatural and an investigation into nature. The organs of Islāmic knowledge are faith and reason. There is no doubt that human intelligence is incapable of any absolute knowledge, unless revealed. Human knowledge tries to proceed from appearance to reality, from quality to substance and from phenomena to the ultimate. In this respect, divine aid or revelation is essential. And religious knowledge does not wholly remain a mystery. Intuition or faith is the legitimate organ of spiritual awakening and religious knowledge is always revealed. It is worthwhile to reproduce Professor Montet's opinion about Islām and rationalism. "Islām," according to him, "is a religion that is essentially rationalistic in the widest sense of this term considered etymologically and historically. The definition of rationalism as a system that bases religious beliefs or principles furnished by reason, applies to it exactly. It is true that Muḥammad (may Allāh's peace be upon him), who was an enthusiast and possessed, too, the ardour of faith and the fire of conviction, that precious quality he transmitted to so many of his disciples, brought forward his reforms as a revelation; but this kind of revelation is only one form of exposition and his religion has all the marks of a collection of doctrines founded on the data of reason."[44]

The elevation of the human spirit—the upward movement—is the vital concern of mind. As a spiritual being, one transcends his narrow individuality and reaches a kind of infinitude. The consciousness of self then depends on a universal consciousness—a

"consciousness of a beyond." This spiritual nature tries to realize itself ultimately in that which lies beyond itself. An idea of a spiritual being involves self-consciousness and self-determination. Spiritual life is characterised by faith, will and conscious activity. "No intentions are complete without actions"—is the Islāmic principle. A perfect unity of the ideal and the actual, of the universal and the individual life is reached in Islām and is a goal which the Musalmāns pursue.

The ultimate character of reality is spiritual and Islām seeks a closer contact with reality. The ultimate reality is emphasised in the Qur'ān by the name of Allāh. The Islāmic conception of God signifies many important elements such as Creativeness, Knowledge, Omnipotence and Eternity. "Nature, the finite mind and God, the infinite mind, are not irreconcilable ideas, but belong to one organic whole or system of knowledge."

In Islām, the Creator and the universe, spirit and matter, religion and politics are all organic to each other. "Islām" says Muḥammad Quṭub, "is not a mere creed nor does it represent simply an identification of souls, or a refinement and training of human virtues but is rather a harmonious whole, that also includes a just economic system, a well-balanced social organization, codes of civil, criminal as well as international law, a philosophical outlook upon life into a system of physical instruction, all of them flowing from the same fundamental creed of Islām and its moral and spiritual temperament."[45]

Those painful oppositions—matter and spirit, natural and supernatural, ideal and actual, the phenomenal and the real, impulse and reason, the lower and the higher self, are all resolved in Islām. "The distinctive features of Islām are two: (1) a harmonious equilibrium between the temporal and the spiritual (the body and the soul) permitting a full enjoyment of all the good, that God has created, enjoining at the same time on every body duties towards God, such as worship, fasting, charity etc. (2) a universality of the call—all the believers becoming brothers and equal without any distinction of colour, race or tongue."[46] The process of self-determination involves many stages of a progressive self-development—an identifi-

cation of the self with the universal life of the human race—the love of humanity.

Islāmic political theory is normative in character. It is concerned with a specific ethical ideal—the raising of humanity to the highest well-being both materially and morally by means of an extensive commonwealth, built on the belief of one God, whose authority is supreme. Islām, in that sense, would only mean, to quote Syed Amīr 'Alī, "striving for righteousness."[47]

It is admitted by non-Muslim writers that Islām is a universal religion. According to Watt, "Islām is not unfitted to be a religion for the whole world. It has throughout its history been a missionary and universalistic religion. In seeking to win the whole world it would be acting consequently with its past record. It would make a good case, too, for thinking that its idea of a religious community based on revelation and following a divinely-given code of conduct is the only satisfactory basis for a world society. In Islām's conception of itself and of its function in the world, there are elements of truth, which could be developed."[48] The same author again opines that "Islām indeed from its beginnings was potentially a universal religion, and it is not fortuitous that with the expansion of the Islāmic State it became in fact a universal religion."[49]

"Bentham, the great English philosopher and one of Europe's most able men of letters, has said that he who practises the tenets of virtue ordained by Islām will never commit a sin or perpetrate a crime."[50]

Political Authority of Service in Both Worlds

In Islām, *Dīn*, unlike other religions, is not a private affair or departmental business. A Musalmān is not required to renounce the temporal world in the interest of a spiritual world. "And whosoever is blind in this (world), he shall (also) be blind in the hereafter."[51] "Seek nearness to Allāh and do not desire death for if a man is good, his goodness shall increase and if he is bad, he might repent."[52] "And certainly We have established you in the earth and made it means of livelihood for you."[53] Man is created to conquer the forces of nature and utilize its products for his convenience and

better ways of living. "And He hath subjected for you whatsoever He hath multiplied for you on the earth of various kinds."[54] "Allāh has been beneficent to man by creating cattle, horses and mules."[55] "And He has made subservient to you the sun and the moon pursuing their courses, and He has made subservient to you the night and the day"[56]... "and He has made the ships subservient to you, that they might run their course in the sea by His command, and He has made the rivers subservient to you"[57] "If a trial afflicts him he turns back headlong; he loses this world as well as the hereafter; that is a manifest loss."[58] "And seek by means of what Allāh has given you the future abode, and do not neglect your portion of this world."[59] "So whatever thing you are given, that is only a provision of this world's life, and what is with Allāh is better and more lasting for those who believe and rely on their Lord."[60]

The life in this world is not the *summum bonum* or be-all and end-all; but a world of preparation. "The likeness of this world's life is only as water, which We send down from the cloud, then the herbage of the earth of which men and cattle eat, grows luxuriantly thereby . . . "[61] "Know that this world's life is only sport and play and pastime."[62] Consequently, a desire for this world alone is punishable. "Whoever desire this world's life and its finery, We will pay them in full their deeds therein . . . these are they for whom there is nothing but fire in the hereafter.[63] "Whoever desires this present life, We hasten to him therein what We please for whomsoever We desire, then We assign to him the hell."[64] "So Allāh made their task the disgrace in this world's life, and certainly the chastisement of the hereafter is greater."[65]

As a matter of fact, this world is of trial and temptation. "And strain not your eyes after that which We have provided different classes of them, (of) the splendour of this World's life, that We may thereby try them; and the subsistence (given) by your Lord is better and more abiding,"[66] "And among men is he who serves Allāh (standing) on the verge, so that if good befalls him, he is satisfied herewith, but if a trial afflicts him, he turns back headlong; he loses this world as well as the hereafter; that is a manifest loss."[67]

"Your possessions and your children are but a temptation and Allāh it is with Whom is a great reward."[68]

This world is meant really for virtuous life. "The life of this world is but an idle sport and play; and if you believe and guard (against evil) He will give you your rewards, and will not ask of you your possessions."[69] "Wealth and children are an adornment of the life of this world; and the ever-abiding, the righteous works are better with your Lord in reward and better in expectation."[70] "(As for) that future abode, We assign it to those, who have no desire to exalt themselves in the earth nor to make mischief; and the good end is for those who guard (against evil.)."[71] "Most surely He who has made the Qur'ān binding on you will bring you back to the destination."[72]

Of the two worlds, the next is decidedly better. "And this world's life is nothing compared with the hereafter but a passing enjoyment."[73] "For those who do good in this world is good and certainly the abode of the hereafter is better; and certainly most excellent is the abode of those who guard (against evil)."[74] "What is with you passes away and what is with Allāh is enduring."[75] "And certainly the hereafter is much superior in respect of degrees and much superior in respect of excellence."[76] "And whatever things you have been given are only a provision of this world's life and its adornment, and whatever is with Allāh is better and more lasting."[77] "And this life of the world is nothing but a sport and a play; and as for the next abode, that most surely is the life."[78] "This life of the world is only a sport and play, and surely the hereafter is the abode to settle."[79] "What is with Allāh is better than sport and (better) than merchandise, and Allāh is the best of sustainers."[80] "Nay! you prefer the life of this world, while the hereafter is better and more lasting."[81] "No good is better than the good of the hereafter."[82] "Man has a choice between this world and the other world with Allāh, whichever man may choose."[83] "And surely what comes after is better for you than that which has gone before."[84] "The love of desires, of women and sons and hoarded treasuers of gold and silver and well-bred horses and cattle and tilth, is made to seem fair to men; this is the provision of the life of this world; and Allāh is He with Whom is the good goal (of life)."[85]

A Musalmān is required to seek the good of the next world. "And whoever desires the hereafter and strives for it as he ought to strive and he is a believer . . . "[86] "Whoever desires the gain of the hereafter, We will give him more of that gain; and whoever desires the gain of this world, We will give him of it, and in the hereafter he has no portion."[87]

The Qur'ān promises success in this world and the hereafter to those who act according to its guidance and obey its laws, and therefore aims at the success of mankind as a whole. The *Dīn* of Islām thus represents an ideal of an organic whole wherein the spirit and matter, divinity and individuality, faith and human organization are all organic to one another. While secular politics is concerned with an organization of wordly affairs, *Dīn* relates to the organization of the wordly and other-wordly matters. Political authority is based on the dictate of *Dīn*; it can be exercised only under limitations prescribed by *Dīn* and man can enjoy the freedom granted by it. The exercise of political authority in Islām cannot result in tyranny, oppression or absolute rule.

Political Organization in Islām

The *Dīn* of Islām, from its very nature is the source of political authority. Its principles which are based on Divine Revelation, determine as to what constitutes authority; how it is created and delegated; how it can be exercised and for what end it should be employed.

It is related in the traditions[88] that the Prophet in his prayers after every *Namāz* repeated that "Allāh is the Lord of all creation, himself His servant and Apostle and the whole mankind is one fraternity." These fundamental principles of the Unity of God, the Finality of Prophethood and the Brotherhood of Man unite the Muslim community as a *Millat* and bring solidarity to the political organization of Islām. "The edifice of political structure," said the Holy Prophet, rested on three pillars—*Imārat*, *Iṭā'at* and *Jamā'at*,[89] meaning authority, obedience and group.

The constituent elements of a modern secular state are geographical entity, national unity and territorial sovereignty. As against these, the ideals of Islāmic political organization are *Mulk*, *Millat* and *Khilāfat*. While working for the realization of the ideal of human

brotherhood, Islām divides mankind, as a transitory measure, into two groups—the community of believers, entitled *Millat* and the class of non-believers. The *Millat* is to be organized on the basis of *Khilāfat*, which has as its main function the promulgation of the *Sharī'at*—a body of revealed law emanating from the Will of the *Mālik-ul-Mulk*. The great *Imām-i-Rabbānī* likened the *Amīr* and *Millat* to heart and body and said that "If the heart sinks, the body collapses."[90]

Political sanction rests with the Muslim brotherhood which possesses the *Khilāfat* of Allāh in a collective capacity and can delegate authority to a single individual. Thus, the *Jamā'at* of believers is entitled to select or elect the *Amīr*, the head of government. That which fastens together the *Amīr* and *Jamā'at* is *Iṭā'at*.

The political authority so created in Islām is *Amānat* (Trust). *Khilāfat*, though meaning succession to political authority, truly implies the principle of trusteeship. A trust has a sacred character in Islām; it is not to be betrayed or violated. A trust carries with it a principle of responsibility and as between the trustee and the trust—the *Amīr* and the *Jamā'at*—the former is responsible to the latter. That which will guide the principle of responsibility is the *Sharī'at*—the code of ethical, social and political laws—which is supreme over the ruler and the ruled alike. The *Amīr* is made responsible to the Almighty whose representative he is in his capacity both as an individual and trustee and is also answerable to the *Jamā'at* whose trustee he is as it has delegated its *Khilāfat* to him.

The authority so created and delegated in Islām has the main function of promulgating the *Sharī'at* of Islām. The *Sharī'at*, according to the great Imām-i-Rabbānī, signifies the attainment of that stage of submission to the Divine Will, which is characterized by knowledge, observance and devotion.[91]

The enforcement and application of the *Sharī'at* in the *Jamā'at* secures for the individuals comprising that community, the highest well-being both material and moral and a spiritual elevation (*Khair*) in this world as well as in the next. Consequently, the institution of authority in Islām is a means and not an end in itself; it is a human contrivance to serve the spiritual needs of man. Islām as the final

creed of mankind is foremost in obligations. "The kind of society that a community builds for itself", says H. A. R. Gibb, "depends fundamentally upon its beliefs as to the nature and purpose of the universe and the place of the human soul in it . . . Islām is possibly the only religion which has constantly and insistently aimed to build up a society on this principle. The prime instrument of this purpose was law."[92]

In short, the idea of political authority as is gathered in Islām, can only be determined by *Dīn*, delegated and exercised under its prescribed limits, developed for the unity of mankind and realized for the spiritual end of human society.

Present Problem

The problem of Islām has a dominant political character. Not that Islām is all politics, nor that there is no politics in Islām. The spirit of Islām thrives in a body politic. Government has all the vital effect in the preservation and maintenance of Islām: it is the only means by which the higher ideals of Islām can be realized. The governmental structure signifying the nature of political authority—its delegation as a trust, its exercise to enforce the law and its stability to ensure world peace and good—is the outward and most effective form that Islām takes in its working as a shining culture and a lasting hope for humanity.

With centuries' slumber and gradual loss of political power, Islāmic culture has lost its glamour., faith is weakened and inferiority complex has overtaken the Muslim mind. *Dissension in the internal folds of Islām and the aggression of Western civilization are the two main causes of Muslim retrogression in the world.* Islām as a political creed has to surmount many obstacles in the world of today in the face of Western political system.

Musalmāns have in general shown great *indifference towards the higher ideals and principles of Islām* and neglected them. The downfall of the Muslims and their empires, says S. Khudā Bakhsh "was occasioned first and foremost, by the indifference to and neglect of their eternal principles of justice, love, righteousness which Islām enjoined and inculcated, and which its great founder

amply illustrated and emphasised in his own dealings at home and abroad."[93]

It is rightly stressed that in the Muslim community, the danger from withtin is more imminent than harm from outside. H. A. R. Gibb stated that "the new tension arose within Islām itself, by the operation of its own forces."[94]

The so-called followers of Islām—scholars, reformers and rulers—have tried to check the onward movement of Islām. "Islām", says Mariam Jameelah, "is far more seriously menaced from within than from without. Deadliest of its enemies are the growing number of renegades from the faith."[95] A glaring example of such a tendency is found in the statement that "the futile attempt to plant an Islāmic theocracy in any modern state or fashion life after the pattern of early Islām is doomed to failure."[96] Besides, the annals of Muslim History were marked by an unbridled sway of freedom of expression, hair splitting controversies and deadly fights in the wake of reinterpretation of Islām. In the opinion of A.S. Tritton, theology as a system started with Muslim conquests and "the confusion was made worse by the coming of theological strife. Theories arose out of questions of practical politics."[97] Above all, the despotic rule of sultans and emperors changed the face of Islām and ruined the inner unity and political solidarity of the Muslim community.

Externally, Musalmāns vehemently opposed Western domination but fell a prey to Western ideals. "Pan-Islāmism," writes Ilse Lichtenstadter, "arose from the emerging consciousness of the antagonism between East and West, resentment against Western domination and Eastern aspirations to greatness."[98] As antagonism with the West subsided, Muslim youths in their efforts to regain their lost political power adopted Western idealism. "Western civilization is becoming increasingly an ideal" in Muslim lands. "Nationality is the universal cry. Islām has struck its tents and is on the march."[99] What is worse there is a cry for Arab nationalism. "This movement," says Ilse Lichtenstadter, "called only upon the Arab part of the Muslim world, by dropping Islām as the decisive criterion, appealed to the non-Muslim Arab as well."[100]

Sidetracking by the West

Continued efforts are being made by Western writers, missionaries and politicians to confuse the mind of the Musalmāns by sidetracking them from the path of Islām and thereby to camouflage the aggression of the West against Islām and Muslim countries. In this field, the role of the Westerner has been most prominent and his enmity towards Islām and things Islāmic has been fully established beyond doubt. Apart from the use of military force and political tactics, the main object of studies by him is to find fault with Islām and present a gloomy picture of the Islāmic civilization. Their arguments are as faulty as their intentions are bad. Deliberate efforts are made to disunite the Muslim peoples, distract them from their faith, ideals, aspirations and reform and instil in them an inferiority complex by inviting them to look to the West for guidance and help. Below are mentioned some of the examples illustrating the behaviour and attitude of Western writers towards Islām and Muslim peoples.

In order to create a cleavage among the Muslim peoples, Musalmāns have been styled as "Reactionaries", "Orthodox", "Conservative", "Modernists", "Reformists" and the like. The Western notions of "modernism, Westernism and secularism are very easily confused and more often than not identified with one another."[101] Such conflicting appellations cannot be applied to the Musalmāns who are united together by virtue of an eternal faith, adaptable to all times and conditions. The question of "modern Islām", "constructive Islām", "progressive Islām", and "Medieval Islām" does not arise. Islām is one and the same and cannot change in spirit and content in point of time.

The Islāmic belief that God Almighty is as "close to man as his neck vein", has been purposely misunderstood. For example, it is said that "the supernatural is so near that it may touch him [oriental] at any moment. There is no surprise, and, therefore, there is need, in verification of *small test only*."[102] The idea of God in Islām is definite and unambiguous. Allāh is "Omnipresent" and "Omnipotent." It is Christianity, which offers several explanations—all contradictory—of the supernatural in the Trinity Theory.

It is asserted that Islām "*lacks sense of law*."[103] It has, however,

been explained in the preceding pages that Islām is a legal system: the organization of society, political structure and status of men all depend on the operation of law.

It is argued that the elements of Islām are "*torn between a loyalty within and a world without.*"[104] Islām is an indivisible whole and represents a noble ideal of harmonious relations and adjustment of loyalties within the family, society and state. Islām seeks internal peace and external security for the individual.

"With freedom, there is responsibility"—and the Musalmāns have been accused of gaining *freedom without assuming responsibility.*[105] Islām holds that man in his individual and collective capacity is a responsible being, charged with the duty of raising mankind to a higher, nobler and spiritual state of development.

It is maintained that *progress is possible by following the Western civilization.* A modern writer says, "Modern Islām is adapting itself at present to a Western idealism and in its afforts to become progressive, it is absorbing all that the West can teach it."[106] It may, however, be remembered that progress in Islām lies in following Islām and not the West. Islām has its own code of life, comprehending all aspects of human activity and guaranteeing success in this life and good in the next world. The neglect of Islām followed by the imitation of the West has brought ruin and damaged the organizational set-up of the Musalmāns.

"It is alleged by non-Muslim writers that Islām is *stationary. stereotyped, hostile to progress.*" S. Khudā Bakhsh very ably replied to this misrepresentation and claimed that the downfall of Musalmāns was due to the neglect of and indifference to Islām and not that there were any shortcomings in Islām.[107]

E. I. J. Rosenthal, apparently hostile to Islām and its institutions, states, "the problem of adjusting a *medieval culture and civilization* moulded in the West, which have come to influence and determine contemporary state and society, is aggravated by the deeply felt need of these states to preserve their Islāmic identity, both as individuals and as nations."[108] It is not to be forgotten that the so-called medieval culture of Islām had out-shone the Western medieval culture. The Muslim community in Medieval time held political sway and a leading position to guide the West, particularly Europe.

The fact that the Muslim states want to retain the Islāmic identity is another proof of the vitality of Islām.

A reconciliatory position, without giving up the Christian point of view, is emphasised by N.A. Daniel who states, "Both Christianity and Islām suffer under the weight of wordly pressure, and the attack of scientific-athiest and their like. Both may reconsider the old controversies, not in any pointless expectation of ceasing to disagree, but in the hope of learning something new. There is also an opportunity of making sure that disagreement has not been exaggerated needlessly. Christians may suddenly find that Islām is intensely attractive without there being need to surrender (still less, pretend to surrender) any of their own beliefs."[109]

Attempts at Reform

It is, however, admitted on all hands that "every part of the *Muslim world is passing through a period of momentous changes*. New life is taking the place of an indifferent lethargy."[110] "Islām is alive and dynamic", says W. C. Smith, "something is being brought to birth."[111]

Musalmāns have everywhere embarked on a programme of reform, which has been necessitated in the face of Western aggression. "The presence of Western ideas," states A.S. Tritton, "has made one change in the thought of Islām ; in the Middle Ages, Muslims ignored other systems of thought but now they have to meet the requirements of outsiders against their faith. They try to show that true humanity, morality and reason find their highest expression in the law and doctrine of Islām. They admit that their religion today is not what it might be, that reform is necessary."[112] "Yet on its political side, it is more actuated by a *dread of the West* than by any constructive policy for the development of its own culture."[113]

H. A. R. Gibb has rightly asserted the internal and external forces within the fold of Islām which necessitate the *inauguration of a constructive programme*. "The history of Islām in the nineteenth and twentieth centuries, "says Prof. Gibb, "is a history of revival and efforts at readjustment under the double stimulus of challenge from within and pressing dangers from without. Surely, at first, and not without setbacks but with increasing momentum, the Muslim com-

munity has gathered itself together and begun to look to its defence; reawakened and alert, it is searching for the programme with which to advance united into an unknown and unpredictable future."[114] The unknown and unpredictable future can, however, be changed to a known and predictable future, if the *spirit of Islām is revived and the moral foundations of Islāmic society are strengthened.* "What is, however, of immediate importance to the stability and progress of the life of Islām", ably discussed by Syed 'Abdul Latīf, "is the sustenance and preservation of the spirit of the faith and the moral basis on which the Muslim Society claims its distinction as a brotherhood unique in character as no other organization has shown itself to be in the long history of men."[115]

Revival of Spirit

The Musalmāns, though beset by immense problems, have displayed the inner vitality of Islām by faithfully adhering to it. *They are not prepared to give up this faith* and all shades of Muslim opinion strive to revive Islām with the greatest devotion and earnestness. In the internal fold of Islām, its adherents now realise the all-embracing character of their faith. The Musalmāns who have been living their individual lives, now emphasize the corporate life of Islām, manifested in the organization and unity of the Islāmic *Millat*. What is further required is the revival of the *spirit of Taqwā* (law-abidedness) for which Islām stands. A constitutional machinery is to be evolved in consonance with the letter and spirit of Islām whereby political authority may legitimately be established or legally withdrawn without incurring the risks of bloodshed and anarchy. To sum up, for the advancement of humanity in the right direction, the Muslim community has to regain its political power and the rightful position of leadership. To achieve this object, the unity of the Muslim *Millat* is to be sought on the basis of a political organization in the form that *Khilāfat* can take today. A systematization and codification of law—the *Sharī'at* brought to date filling up the gaps created by the lapse of centuries' neglect and inactivity—is the most pressing need of the hour. That is how God's given trust for mankind can be fulfilled by His devotees who are the followers of His Last Prophet, their exemplar.

NOTES TO CHAPTER I

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6 Al-Qur'ān 8;10 16;7 9;15 22;10 60;2 60;2 82;1
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7;3 3;9 95;1 107;1 51;1 109;1 49;2 24;3

7 Ibid, 4;21 24;1 110;1 8;5

8 Ibid, 9;5 6;20 30;5

9 Ibid, 9;4 9;5

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11 Ibid, 4;18 فاخبوان الصراط هوالاسلام Mishkāt Vol. I, p. 56.

12 Al-Qur'ān ولهالدين واصبا 16;7

13 Ibid 12;9, دين الملک

14 Ibid, 82;1, 95;1, 107;1, 51;1, 109;1

15 Ibid, 22;10 فى الدين من حرج

16 Ibid, 2;34 لا اكراه فى الدين

17 Ibid, 9;2 The Qur'ān mentions separately the Day of Resurrection as *Yaum-il Qiyamah* at several places—Al-Qur'ān 25-6, 7:21, 7:22, 45:2, 28:7.
Ibn Kathir emphasises the supreme control of Allāh over the Day of *Dīn*—Tafsir Ibn Ka*th*ir Part I. p. 32.

18 Al-Qur'ān 5:1 اليوم اكملت لكم دينكم و اتممت عليكم نعمتى و رضيت لكم الاسلام دينا

19 Ibid, 3:2 ان الدين عند الله الاسلام

20 Ibid, 3:9

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22 Ibid, 6:20

23 لكل جعلنا منكم شرعته و منهاجا Ibid, 5:7, 45:2 شرعته literally means direction and denotes a clear way: The Qur'ān prescribed the *Sharī'at* and determined *Minhāj*—Tafsir Ibn Kathir Part VI, pp. 107 and 108.

24 Ibid, 6:8

25 Ibid, 5:48 & 45:18

26 Bukhārī and Muslim (Mishkāt, Vol. 1, p. 4) Also Ibn Kathir—Parit I, p. 56.

27 Prince Āgā Khān and Dr. Zaki 'Ālī—Glimpses of Islām, Muḥammad Ashraf, Lahore, p. 5.

28 Muslim (Mishkāt, Vol. 1, p. 5) 29 Aḥmad (Mishkāt, Vol. 1, p. 16)

30 Muslim, Vol. 1, p. 77. Fear of Allāh is the resultant factor of *Imān* (faith) and *'Ilm* (Knowledge) Tafsir Ibn Kathir—Part I, p. 53.

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[37] Al-Qur'ân 28:9
[38] Ibid 36:1
[39] Ibid 41:1
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[45] Muḥammad Quṭub—Islâm—the Misunderstood Religion, Al-Aṣriya-Printing Press, Kuwait, 1964, p. 10.
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[49] W. Montgomery Watt—Muḥammad at Madîna, Oxford, Clarendon Press, 1956, p. 41.
[50] Prof. Shaikh Joussef-El-Digwy—Islâm—The Ideal Religion, Orientalia Lahore 1956, p. 25.
[51] Al-Qur'ân 17:8.
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[53] Al-Qur'ân, 7:1
[54] Ibid, 16:2.
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[56] Al-Qur'ân 14:5.
[57] Ibid 14:5.
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[59] Ibid 28:8.
[60] Ibid 42:4.
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[62] Ibid 57:3.
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[70] Ibid 18:6.
[71] Ibid 28:9.
[72] Ibid 28:9.
[73] Ibid 13:3.
[74] Ibid 16:13.
[75] Ibid 16:13 also 12:7.
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[77] Ibid 28:6.
[78] Ibid 29:7.
[79] Ibid 40:5.
[80] Ibid 61:2.
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[83] Ibid, p. 126.
[84] Al-Qur'ân 93:1.
[85] Ibid 3:2.
[86] Ibid 17:2.
[87] Al-Qur'ân 42:3.
[88] Vide—Mishkât, Vol. II, pp. 211 to 213.
[89] Ibid, Vol. II, p. 228.
[90] Imâm-i-Rabbânî—Mujaddid-Alf-Thânî, p. 30.
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[92] H. A. R. Gibb. Modern Trends in Islâm, pp. 85, 86.
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CHAPTER II

The Momin—A Believing Individual

Political theory is vitally concerned with the nature of man, the structure of society and the organization of the state. Political philosophers have viewed the individual differently and described his nature in relation to society and the state. "Man and society", the "Individual versus the State", the "Classless society", the "Stateless society" the "world government", the "Rule of World Law", "Society of men" and "the community of man" have been some of the more important subjects of a philosopher's thought and reflection. Politics, itself has been based on either faith or reason. Ibn Khaldūn brought out this difference by dividing *Siyāsah* into *Siyāsah Dīnīyah* and *Siyāsah 'Aqlīyah*.

The Individual in the West

Before describing the position of the individual in *Siyāsah Dīnīyah*, it would be worth-while to determine his nature and place in the secular politics. The nature of man has been determined differently in relation to society and the state. Both Aristotle and Plato thought that man is a social and political animal. Justice, a human virtue, according to Plato, makes men sociable and capable of entering into political relations. The quality of justice, thus, makes man both good and social, so that a just man is happy and the unjust man miserable.[1]

Both the individual and the state, in the words of Aristotle, exist by nature. "Man is by nature an animal intended to live in a polis."[2] The state being prior to the family and the individual,

man can only seek his perfection in the state. "Man", said Aristotle, when prefected is the best of animals, but if he is isolated from law and justice, he is the worst of all.[3]

The Social Contract writers thought of the natural man in the state of nature. The individual, according to them, was either a beast, or an angel or something in between the two. Hobbes painted the individual black. Men born equal in the faculties of body and mind and prompted by fear and self-interest, became aggressive and warlike. The state of nature known for equality and therefore for war, naturally made life "solitary, poor, nasty, brutish and short."[4] Rousseau thought that man was born free[5] or ought to be free. Locke took the middle course and described men being by nature all "free, equal and independent".[6] So, if Hobbes is known for his theory of "natural freedom," Locke for "moral freedom", Rousseau should be the propounder of the idea of the "freedom of the will."

Machiavelli distrusted the nature of man and described him as "ungrateful, fickle, false, cowardly and covetous."[7] Accordingly, when the prince succeeds in his task of government, people are prepared to make all sorts of sacrifices, but when their needs are satisfied they turn rebels. Bodin, on the other hand, believed that the true happiness of the individual consists in "intellectual virtue,"[8] or contemplation over things natural, human and divine. In short, Machiavelli called man an ungrateful being and Bodin, to the contrary, styled him as an "intellectual being".

The Utilitarians like Bentham, Mill and Spencer, regard the individual as pleasure-seeker and the state as the promoter of the "greatest good of the greatest number."[9] The Idealists like Green, Bosanquet and Hegel started their theories with the belief that the individual is a moral being and is in pursuit of a moral end, self-realisation.[10]

While the Monists believing in the unity of the state or state-sovereignty, regard the individual as equal, free and responsible, the Pluralists, like Laski and others, believe in the individual as a community-building animal,[11] developing his relations with a

number of associations in society including the state for his self-development.

The Individual in Islām

The political organization in Islām fundamently differs from that of the West. The Western political system centres round the term, state; but the political organization in Islām is embodied in the institution of *Khilāfat*. Both the organizations are the products of human efforts: the one in the West is dependent upon human reason, the other in Islām on Divine revelation. The object of government is always the welfare of the individual, but the welfare of the individual in Islām, properly known as *Khair*, is to be obtained both in this world and the next. Consequently, *Khilāfat*, unlike the Western state, is concerned both with the worldly and other-worldly affairs. The individual Musalmān, thus, has his five-fold relations-with the Almighty Allāh, with the universe, with the Prophet, with the *Khalīfah* and with fellow members of the Muslim community—the *Millat*. The individual in Islām is a member of the Islāmic community, a citizen of the *Khilāfat*, a deputy (*Nāib*) of Allāh on the earth and a devotee of the Prophet.

Unlike the West, where the individual has been called a social or political animal, natural man-savage or saint, ungrateful being, intellectual person, pleasure-seeker, moral being and a community-building animal, the Musalmān has been referred to in the Qur'ān as a believer or a believing individual. The position of the believing individual in Islām is, therefore, much different in *Siyāsah Dīnīyah* than that of the individual in *Siyāsah 'Aqlīyah* of the West.

In Islām, the entire humanity has been regarded as one *Ummat* because it is capable of transforming itself into a single community by believing in the Unity of the Divine Being and the Finality of the Prophet. The world as it exists has been divided into believers and unbelievers. It is the duty of the believers to convert the rest of humanity to the faith of Islām—the last and the universal faith of mankind. Thus, Islām believes in the establishment of *Khilāfat*, a universal political organization, founded on the belief in one God-Omnipotent and Omnipresent-and in His Last Apostle. For the time being, the Muslim *Millat* is required to form a single Islāmic

organization charged with the duty of bringing about a better world-order and serving as a guide to the non-Muslim world. What is the position of the individual believer and unbeliever in the Islāmic political system?

The Believer and the Islāmic Millat

The object of the Prophethood of Muḥammd (May Allāh's peace be upon him) is to establish the fundamental unity of mankind on the basis of the universal principles of equality, liberty and fraternity. The Prophet of Islām conveyed to humanity the Divine message of human equality in social status and legal rights. The individual believer is required to develop a virtuous character animated by an intense love of action and freedom in order to serve as a useful member of the Muslim *Millat*. A true believer is the product of a true environment. The individual and the *Millat* reflect each other; the individual believer depends upon the *Millat* for the development of his personality as a virtuous character and the *Millat* acquires a unity of will and purpose through the collective organization of such individual believers. Thus, the Islāmic *Millat*, composed of the individual Muslims, is required to achieve a real collective self to move and have its being as a single individual. In Islām, neither the organization of the *Millat* nor the development of the individual Muslim is to be neglected. The worth and power of an individual Muslim is the basis on which is founded the collective strength and usefulness of the *Millat*.

Believer-Defined

The primary importance in Islām is attached to the faith of the individual Muslim. The Prophet made it incumbent upon the believer to adhere to certain beliefs and practices, which he expounded in view of the Divine Revelation. Belief in Islām, therefore, amounts to submission to the Divine Will. "O you who believe! enter into submission one and all, and follow not the footsteps of the Satan."[12] "You shall not worship any but Allāh."[13] Those who believe do good. "And every one has a direction to which he turns (himself), therefore hasten to (do) good deeds"[14] "Surely, those who believe and

do righteous deeds; they shall have no fear, nor shall they grieve".[15] What constitutes good has been explained else where.[16] It would suffice to repeat that "those who believe and have emigrated and striven hard in the way of Allāh and those who sheltered and succoured these are the believers in truth."[17] The Prophet said "to be good is different from being a Muslim."[18] Therefore, a belief in Allāh, his Apostles, the angels, the last day, and the Book is essential, before a man does good. The Prophet further said, "such of my relations are *Momins*, who are righteous."[19] And righteousness is not possible without sacrificing the material wealth for the good of others. "Whatsoever you expend of wealth, let it be for the parents, kindred and orphans and the needy and the wayfarer; and whatever thing you spend, Allāh surely knows it."[20] The believer is described in the Qur'ān as superior to the unbeliever. "The life of this world is made to seem fair to those who disbelieve; and they mock those who believe, and those who guard (against evil) shall be above them on the day of resurrection."[21]

Divine Source of Human Knowledge

All knowledge appertains to Allāh, and human knowledge has only a Divine source. "Glory be to Thee! we have no knowledge but that which Thou hast taught us; surely, Thou art the Knowing, the Wise."[22] The view that man is helpless before predestination has an erroneous basis, for Allāh has the knowledge of what (good or bad) a man will do and when, which man does not know, but simply acts according to his will, and is therefore subject to reward or punishment.[23]

The doctrine of the Divine Unity means that there is the Supreme Being, the Creator and the Lord of all, Who alone is to be worshipped and from Whom help is to be sought. "And seek assistance through patience and prayer."[24] Man is endowed by God with vast capabilities to conquer and subjugate the elements of nature and to utilize them to his own benefit. To put these principles into practice, the Muslims are enjoined, on the one hand, to pray to Allāh and on the other, to reflect on His Creation. "In the creation of the heavens and the earth and the alternation of the night and the day there are surely signs for men of understanding: those who

remember Allāh, standing and sitting and lying on their sides and reflect on the creation of the heavens and the earth."[25] "Most surely, in the creation of the heavens and the earth and the alternation of the night and the day, and the ships that run in the sea with that which profits man, and the water that Allāh sends down from the cloud, then gives life with it to the earth after its death and spreads in it all (kinds of) animals, and the changing of winds and the clouds made subservient between the heaven and the earth, these are signs for a people who understand.[26] "Most surely, in the variation of the night and the day, and what Allāh has created in the heavens and the earth, there are signs for a people who guard (against evil)."[27]

Conquest of nature, thus, goes along with submission to Allāh. Moral greatness is combined with material advancement. Prayer to Allāh is a means of moral perfection, and "reflection on (or scientific pursuit of) His creation" leads to material advancement. Prayer to Allāh stands for the realization of the "Divine" within the human self or for the aquirement of the Divine attributes. *Ṣalāt* or prayer of Islām is a way by which communion with God is sought and the Divine attributes are imbibed. "Those who believe in the unseen and keep up prayer and spend out of what We have given them; and who believe in that which has been revealed to you and that which was revealed before you, and they are sure of the hereafter. These are on a right course from their Lord."[28] "And keep up prayer; surely prayer keeps (one) away from indecency and evil, and certainly the rememberance of Allāh is the greatest."[29]

Man—the Most Excellent Creature and Ruler of the Universe

Man is placed in the Holy Qur'ān, over the whole of creation. "Allāh is the Patron of those who believe" 30 Mūsā said, "What shall I seek for you a god other than Allāh, while He has made you excel all created things."[31] Man is described in the Holy Qur'ān as *Khalīfah* or Vicegerent of God to show that he is gifted with the power of controlling the rest of creation.[32] Further, he is told that he has been created to rule the world: "God is He, who made subservient to you the sea that ships may run therein by His Command

and that you may seek of His grace, and that you may give thanks. And He has made subservient to you whatsoever is in the heavens and whatsoever is in the earth, all from Himself; surely, there are signs in this for a people who reflect."[33] Man is thus created to rule the universe and is gifted with powers and capabilities to subdue everything and to turn it to his use. Allāh says in the Qur'ān that He is nearest to man. "We are nearer to him (man) than his life vein."[34]

Shirk Prohibited

Man has been gifted with highest capabilities to subdue the elements of nature and to utilize them for his own benefit provided he does not degrade himself by associating other things with God and by bowing before the elements of nature, which he is meant to conquer. *Shirk* degrades man and renders him unfit for higher and progressive life in the Divine scheme of universal organization. "If thou shouldst associate any thing (with God) thy work would certainly come to naught and thou wouldst certainly be of the losers."[35] "And whoever associates anything with Allāh, he indeed strays off into a remote error."[36] Thus, man occupies the highest position in the world; he is endowed with a natural gift to rise higher and higher. Islām opens before him a vast field of advancement, but man can progress only when he believes in the Unity of the Divine Being and does not do *Shirk*, which is a sure impediment in his way of progress.

Man is not only freed from the slavery of nature, but also from the slavery of man, hitherto a greater slavery. From the Unity of the Divine Being, springs the doctrine of human equality. The Prophet was commanded by Allāh to say "I am only a mortal like you; it is revealed to me that our God is one God; so whosoever hopes to meet his Lord, he should do good deeds, and not join any one in the worship of his Lord."[37] A slavish mind, it is pointed out in the Holy Qur'ān, is incapable of doing anything good or great.[38]

Hypocrisy Condemned

Hypocrites are vehemently condemned in the Qur'ān and *Ḥadīth*. The hypocrites apparently proclaim that they are believers,

but in their heart of hearts they are not believers. They make mischief in the land and ally themselves secretly with 'their devils.' "And there are some people who say: we believe in Allāh and the last day: and they are not at all believers."[39] "And when it is said to them, do not make mischief in the land, they say: we are but reconcilers."[40] "And when they meet those who believe, they say, we believe; and when they are alone with their Satans, they say; surely we are with you, we were only mocking."[41] "Know they not that Allāh knoweth that which they hide and that which they make known."[42]

The hypocrites mix up the truth with falsehood and enjoin evil and forbid good. "So surely there will come to you a guidance from Me, then whoever follows My guidance, no fear shall come upon them, nor shall they grieve."[43] "And confound not the truth with falsehood, nor hide the truth while you know (it)."[44] "The hypocritical men and the hypocritical women are all alike; they enjoin evil and forbid good and withhold their hands from charity; they have forsaken Allāh, so He has forsaken them."[45]

The *Ḥadīth* attributes four signs to a hypocrite. A hypocrite firstly tells lies, secondly breaks his promises; thirdly he betrays his trust and fourthly abuses while fighting.[46] A *fājir* is to be preferred to the hypocrite. The Prophet said that "Allāh sometime commissions a *fājir* to serve Islām."[47]

Virtue of the Momin

The characteristic virtue of the *Millat* is attained by adopting the manner and way of living as practised by the Prophet. Muslim temperament should, therefore, be all-affection and the words and deeds of a Muslim are to serve as an example to be followed by others. One, who deviates from this path, is not to be counted as a genuine member of the *Millat*. True organization is based on holding fast to the ideal of the *Millat*, which is the preservation and propagation of the principles of the Unity of God and the Finality of the Prophet. In order to fulfil the material needs of the *Millat*, the individual Muslim is required to subdue the forces of nature and utilize them for the use of the *Millat*. Thus, the socio-political order of Islām is keenly alive to moral development and material welfare.

A *Momin* or a true believer is one, who believes in and serves Allāh, holds the Prophet dearer than his parents and children and possesses qualities of an upright and praiseworthy character. "Surely, Allāh is my Lord and your Lord. Therefore, worship Him, this is the right path."[48] "There is no compulsion in religion; truly the right way has become clearly distinct from error; therefore, whoever disbelieves in the Devil and believes in Allāh, he indeed has laid hold on the firmest handle, which shall not break off, and Allāh is Hearing and Knowing."[49] According to the sayingofthe Prophet, a *Momin* holds the Prophet dearer than his parents and children.[50] The Prophet enjoined on the *Momin* several duties: to observe the funeral service, to attend to the sick, to accept an invitation, to help the oppressed, to fulfil a vow and to reply to *Salām*.

A *Momin* is a real well-wisher of another Muslim; he makes peace between man and man and never retaliates except in the way of Allāh. The Prophet said, "a true Muslim is one from whose hands and tongue no other Muslims are harmed."[51] The Prophet ordered that "no Muslim should keep aloof from another Muslim for a period of more than three days on account of some dispute."[52] "It is better to hide the shameful act of a Muslim."[53] "A true Muslim is one, who would like to do for others what he likes for himself."[54] "And make not Allāh because of your swearing (by Him) an obstacle to your doing good and guarding (against evil) and making peace between men, and Allāh is Hearing, Knowing."[55] The Prophet never retaliated for any harm done to him except when it was made imperative by the command of Allāh.[56] "Retaliation is also for Allāh" is another saying of the Prophet."[57]

A true Muslim does not believe in pomp and show, nor commits rape, nor steals, nor drinks, nor gambles. He is just speaking, courteous, humble and patient; he never gives others bad names but pardons people. A Muslim is forbidden to use silver vessels, gold ring and costly silks.[58] The Prophet said, one who commits rape or drinks or steals, does not remain a *Momin*.[59] "They ask you about intoxicants and games of chance: Say, in both of them there is a great sin and means of profit in both of them for man and their sin is greater than their profit."[60]

"Allāh does not love the public utterance of hurtful speech, unless (it be) by one who has been wronged."[61] "When you speak, then be just."[62] The Prophet said, "The best among you is one, who is most courteous."[63] "And do not turn your face away from people in contempt, nor go about in the land exulting over much. Surely, Allāh does not love any self-conceited boaster."[64] "You shall certainly be tried respecting your wealth and your souls . . . and if you are patient and guard (against evil), surely, this is one of the affairs (which should be) determined upon."[65] "O you who believe! be patient and excel in endurance and remain steadfast, and be careful of (your duty to) Allāh, that you may be successful."[66] According to the saying of the Prophet, "Patience in calamity is most desirable."[67] "O you who believe, let not one gronp laugh at another group, perchance they may be better than they; and do not find fault with your own people nor call one another by nicknames: evil is a bad name after faith, and whoever does not repent, then those, they are the unjust."[68] "Those who spend (benevolently) in weal and woe, and those who restrain (their) anger and pardon men, and Allāh loves the doers of good."[69]

Men and Women—their Socio-Political Relation

Although men and women have been regarded in the Qur'ān as guardians of each other, yet they possess distinct personalities in the eye of Islāmic law in matters of the earnings, inheritance and doings." And (as for) the believing men and the believing women, they are guardians of each other; they enjoin good and forbid evil and keep up prayer and pay the poor rate, and obey Allāh and His Apostle."[70] "Men shall have the benefit of what they earn and women shall have the benefit of what they earn."[71] "And to every one We have appointed heirs of what parents and near relatives leave; and as to those, whom your right hand have ratified agreements, give them their portion, surely Allāh is a witness over all things."[72] "Whoever does good, whether male or female, and he is a believer, We will most certainly give them their reward for the best of what they did."[73]

Men and women have rights against each other; if the husband

is required to maintain his wife, it is the duty of the wife to remain obedient to the husband. "And be careful of (your duty to) Allāh, by Whom you demand one of another (your rights) and (to) the ties of relationship; surely Allāh ever watches over you."[74] "Men are the maintainers of women; . . . the good women are therefore obedient."[75] The Prophet said, "Had I ordered any one to offer *sajdah* to the other, I would have commanded women to do it to their men."[76]

The husband is required to do justice to his wives and the best man is one, who is best in the interest of his wives. "Then marry such women as seem good to you, two and three and four, but if you fear that you will not do justice (between them), then marry only one . . ."[77] "And you have it not in your power to do justice between your wives, even though you covet (it) but be not disinclined."[78] The Prophet said, the perfect believers are those who possess good conduct and the best are those who are best in the interest of their wives."[79]

Unbelievers

Those who disbelieve in Allāh and His apostles or believe in some and disbelieve in others; those who turn away from Allāh's way; and those to whom the life in the world seems fair, are unbelievers. "Surely those who disbelieve in Allāh and His apostles (and those who) desire to make a distinction between Allāh and His apostles and say: we believe in some and disbelieve in others; and desire to take a course between (this and) that, those it is that are truly unbelievers."[80] "Who turn away from Allah's way and seek to make it crooked, and they are disbelievers in the hereafter."[81] "The life of the world is made to seem fair to those who disbelieve, and they mock those who believe, and those who guard (against evil) shall be above them on the day of resurrection."[82]

Success will not attend to the affairs of unbelievers who will have the devil as their guardian and the curse of Allāh as their punishment. "Those, who disbelieve, surely neither their wealth nor their children shall avail them in the least against Allāh,"[83] "Surely, We have made the Satans to be the guardians of those, who do not believe."[84] "Surely those who disbelieve and die while

they are disbelievers, these, it is on whom is the curse of Allāh."[85] "And (as for) those who disbelieve and reject Our communications, these are the companions of the flames."[86]

No Friendship With Non-Muslims

The Jews, the Christians and the Sabians (semi-Christian sect of Babylonia) who believe in Allāh and the last day and do good are non-Muslims. "Surely those who believe, and those who are Jews, and the Christians and the Sabians whoever believes in Allāh and the last day and does good, they shall have their reward from their Lord, and there is no fear for them, nor shall they grieve."[87] " . . . whoever disbelieves in the devil and believes in Allāh, he indeed has laid hold on the firmest handle, which shall not break off, and Allāh is Hearing and Knowing."[88] According to the Qur'ānic injunction, the believers should not take the Jews and Christians as friends. "O you who believe! do not take the Jews and the Christians for friends; they are friends of each other; and whoever amongst you takes them for a friend, then surely he is one of them; surely Allāh does not guide the unjust people."[89] The Prophet commanded that in the country of the *ahlal-Kitāb* (the people of the Book) the Muslims should not take their meals in their (of the people of the Book) vessels, except when other vessels are not available."[90]

The Medina Charter

In order to understand the position of the non-Muslims in the Islāmic political organization, a reference is to be made to the Medina Charter—the first written constitution of the Islāmic political organization and the first written constitution of the world, It was at Medina that the Prophet of Islām was able to put into practice his main teaching that Islām alone should order the loyalties of the believer. The pre-Islāmic Arabia was known for a cleavage between rival tribes; but Islām divided the community between believers and unbelievers. The Prophet drew up the Charter and in it defined the position and the respective rights and duties of each party in his political organization. The provisions of the Charter are as follows:

"This is the Charter[91] of Muḥammad, the Prophet, (applicable amongst the believers and Muslims of the Quraish and of Yathrib

(Medina) and amongst those who follow them and attach themselves to them and fight along with them."

"They are one *Ummat* (community) over against mankind. "The Muhajirin of the Quraish remain in their former (tribal) constitution. They pay in common (any blood-writ etc., incurred by any member of theirs) and they ransom their own prisoners-aided by what is considered right and equitable amongst believers.

"The five groups forming the khazraj tribe and three forming the 'Aws were similarly to preserve their old constitution, and be responsible each for the same common payments as before and for redeeming their own prisoners.

"Believers do not forsake any one of their members, who is burdened with debt. They support him as is right when there is a question of ransom or blood-writ.

"No believer conspires with the *Mawla* of another believer against him.

"Pious believers are against any one amongst them who rebels and commits an act of deceit or wickedness against believers. Their hands are jointly against him, even if he be the son of one of them.

"A believer will not slay a believer for an infidel nor will he aid an infidel against a believer.

"The security (given by God's community) is general. The protection granted by the least of believers involves (all) in duty. Also believers and clients of one another against (other) men.

"Any one of the Jews who follows us has our support and aid; they are not to be wronged nor their oppressors supported.

"The peace made by believers is one and general; no believer may agree to a proposal for peace separately from other believers in any fighting on an errand of God. There must be the same conditions for all.

"Every raiding party that raids with us will permit others (who have no mounts) to ride.

"Believers hold each other responsible to avenge split in an errand of God.

"Pious believers follow the best and most correct guidance. No heathen has the privilege of granting protection either to the

property or the person of the Quraishites (Prophet's own tribesmen) nor may take their part against a believer.

"He who deprives a believer of his life by murder and the fault is clearly proven, the retaliation is involved, except if the next of kin of the slain man be satisfied with blood-writ. All believers will be against him and no course is open to them but to oppose him.

"No believer, who acknowledges the truth of what is contained in this document and believes in God and the Last Day, may give support to any scandalous person, nor grant him refuge. He that supports and grants him refuge shall have God's curse and his wrath on the Day of Resurrection and no fine or reparation shall be accepted from him.

"If you dispute over any matter, then your recourse is to God and to Muḥammad (May Allāh's peace be upon him).

"The Jews shall pay the costs of war with believers. The Jews and the Banū 'Auf (and other tribes) are a community alongside the believers (the Jews keeping their faith and the Muslims theirs; they with their clients; except any one of them who has committed a wrong or an offence and he does not involve any one but himself and his household in destruction.

"The friends of Jews stand on the same ground as they themselves:

"None of them shall take the field in war except with Muḥammad's leave. None shall be hindered from avenging a wound.

"He who attacks another does so at his own cost and that of his family, unless he is the victim of a wrong; and God watches over him, who is justified in such matter.

"No man gains aught except for himself. Allāh watches over what is most just and pure in this document, and this charter avails not the wrong doer or transgressor.

"He that goes forth is secure and he that stays at home is secure in Medina; except such that do wrong or transgress. Allāh is the protector of him that is innocent and God-fearing and Muḥammad is the Apostle of Allāh."

Implications of the Charter

It is to be seen that the old tribal constitution was modified and expanded to suit the growing requirements of the larger com-

munity of Islām. The Islāmic *Ummat* was to consist of the Muslims of the Quraish and of Yathrib (Medina) along with their auxiliaries. This *Ummat* was set apart from the rest of mankind.

Islāmic Ummat

Believers formed a homogeneous community of moral and material well-being. They were required to support each other in matters of debt and they were forbidden to conspire or rebel against one another. No believer could slay another believer for the sake of an unbeliever; nor could he support an infidel against a believer. Thus, the new Islāmic *Ummat* acquired a unity of will and purpose, which was essential for the political stability of the early Islāmic political system.

General Security

All believers were bound together by the ties of the common faith. The security given by the Islāmic *Ummat* was definite and general, so much so that the protection granted by one believer involved all the remaining believers in duty. The peace made by the Islāmic *Ummat* was also one and general; there could be no separate peace by individual believers in any fighting on an errand of God.

Religious Freedom

The Jews and the other tribes were permitted to hold to their own faiths as the believers were required to keep their own faith.

Safety of Person and Property

The person and property of the Jews who followed the Muslims, were secure; they were not to be wronged and their oppressions could not be supported. No heathen, however, could grant protection to the person or property of the Quraish. The friends of the Jews enjoyed the same position as that of the Jews themselves.

The Legislative Authority

Allāh is regarded as the supreme law-giver, and guidance in legislative matters came from Allāh and His Apostle. The believers

were to act in consultation with one another and in case of difference, they were required to turn back to Allāh and the Apostle. Henceforward, ultimate authority for the doings of the *Ummat* rested not with the chiefs or the people but with Allāh and His apostle.

No Distinction Between Church and State

The effect of the Charter was that there could remain no distinction between the Church and state in Islām. The Islāmic *Millat* partook the nature of both and was responsible for the religious and political development of the believers. Under such a system, the status of non-Muslims in the Islāmic political organization depended on a contractual basis.

The "Covenant" of Ḥaḍrat 'Umar

The citizens of *Khilāfat* comprise the Muslims and non-Muslims. It has been observed how the rights and duties of both the Muslims and non-Muslims were provided for in the Medina Charter. In view of the difference in the rights and duties of the Muslims and non-Muslims in the political organization of Islām, the two sections of the population enjoyed different positions. People belonging to Christian, Jewish, Magian, Samaritan and Sabian religions were called *Dhimmīs* (the people of protection). The position of the *Dhimmīs* may be ascertained from the various covenants in vogue during the period of the *Khilāfat*. The Covenant of Ḥaḍrat 'Umar[92] is said to have embodied the provisions, by which the position of the *Dhimmīs* may be determined. The Covenant is rendered in several forms. A letter from some Christians to Ḥaḍrat 'Umar is quoted as follows:

"When you came to us we asked of you safety for our lives, our families, our property and the people of our religion on these conditions; to pay tribute out of hand and be humiliated; not to hinder any Muslim from stopping in our Churches by night or day, to entertain him there three days and give him food there and open to him their doors; to beat the *Nāqūs*[93] only gently in them and not to raise our voices in them in chanting; not to shelter there, nor in any of our houses, a spy of your enemies; not to build a church,

convent, hermitage or cell, nor repair those that are dilapidated, nor assemble in any that is in any Muslim quarter, nor in their presence ; not to display idolatry nor invite to it, nor show a cross on our churches, nor in any of the roads or markets of the Muslims; not to learn the Qur'ān nor teach it to our children; not to prevent any of our relatives from turning Muslim if he wish it; to cut our hair in front; to tie the *Zunnār* round our waists; to keep to our religion; not to resemble the Muslims in dress, appearances, saddles, the engraving on our seals (that we should engrave them in Arabic); not to use their *Kunyas*[94]; to honour and respect them, to stand up for them when we meet together, to guide them in their ways and goings; not to make our houses higher (than theirs); not to keep weapons or swords, nor wear them in a town or on a journey in Muslim lands; not to sell wine or display it; not to light fires with our dead in a road where Muslims dwell, nor to raise our voices at their (our?) funerals nor bring them near Muslims, and not to strike a Muslim; not to keep slaves who have been the property of Muslims. *We impose these terms on ourselves and our co-relgionists;* he who rejects them has no protection."

Another form of the Covenant

Another form of the Covenant of Ḥaḍrat 'Umar is given in a letter to 'Alī 'Ubaida,[95] the Chief Commander in Syria.

"When thou comest into our land, we asked of the safety for our lives and the people of our religion, and *we imposed these terms on ourselves;* not to build in Damascus and its environs church, convent, chapel, monk's hermitage, not to repair what is dilapidated of our churches nor any of them that are in Muslim quarters; not to withhold our churches from Muslims stopping there by night or day; to open their doors to the traveller and wayfarer; not to shelter there nor in our houses a spy, not to hide one who is a traitor to the Muslims; to beat the *Nāqūs* only gently in our churches, not to display a cross on them, not to raise our voices in prayer or chanting in our churches, not to carry in procession a cross or our book, not to take out Easter or Palm Sunday processions; not to raise our voices over our dead, nor to show fires with them in the markets of the

Muslims, nor bring our funerals near them; not to sell wine nor parade idolatory in companies of Muslims; not to entice a Muslim to our religion nor invite him to it; not to keep slaves who have been the property of Muslims; not to prevent any relative from entering Islām if he wish it, to keep our religion wherever we are; not to resemble the Muslims in wearing the *Kalansuwa*,[96] the turban, shoes, nor in the parting of the hair, nor in their way of riding; not to use their language nor be called by their names; to cut the hair in front and divide our forelocks; to tie the *Zunnār* round our waists; not to engrave Arabic on our seals; not to ride on saddles; not to keep arms nor put them in our houses nor wear swords; to honour Muslims in their gatherings, to guide them on the road, to stand up in public meetings when they wish it; not to make our houses higher than theirs; not to teach our children the Qur'ān; not to be partners with a Muslim except in business; to entertain every Muslim traveller in our customary style and feed him for three days. We will not abuse a Muslim and he who strikes a Muslim has forfeited his rights."

Khālid's Guarantees

The Covenant is variously attributed to Ḥaḍrat 'Umar and his general. It is strange that it forms a treaty with a nameless town. The provisions of the Covenant vary from the guarantees given by Khālid bin Walid to the inhabitants of Damascus. "He (Khālid) gave them security for their persons, property, churches, and the wall of their city. None of their houses shall be destroyed or confiscated. On these terms they have alliance with God, and the protection of His Prophet, the Caliphs, and the believers. Nothing but good shall befall them if they pay tribute, to such as this—"These are the terms imposed on the *dhimmīs* of Syria (or Damascus); to bring back lost animals; to build bridges for travellers out of their own means; to entertain a Muslim traveller three days; not to abuse or strike a Muslim; not to display a cross in any gathering of Muslims; not to let a pig stray into any Muslim house; not to carry wine in any gathering of them; to light beacons for the soldiers; not to betray the Muslims; not to build any new church nor beat

the *Nāqūs* before the call to prayer, not to display flags in their feasts nor to carry arms there; not to show arms in their houses."[97]

Treaty with Syria

On the other hand, no treaty with any Syrian town resembles the Covenant. That with the Hims may be taken as a typical example. The inhabitants of Hims made plea with him on condition that he gave them security for their persons, property, the city wall, the churches and the mills. He set apart a quarter of the church of St. John as a mosque, and imposed tribute on those who remained."[98]

Treaty with Jerusalem

The treaty made by Ḥaḍrat 'Umar with Jerusalem is not so detailed as the Covenant. "He (Ḥaḍrat 'Umar) gave them security for their lives, property, churches and crosses, their sick and healthy and the rest of their religion. Their churches shall not be used as dwelling nor destroyed, nor their (churches), nor their estates, nor their crosses, nor their property be diminished in any way. They shall not be persecuted for religion's sake. No Jew shall dwell with them there. Whosoever wishes to go to the Greeks and take his property with him shall leave his churches and crosses. There shall be no payment of tribute till the harvest is gathered in."[99]

Contractual Basis of Minority Status

What has been enumerated before is the negative aspect of the position of the non-Muslims. These provisions clearly indicate that they are the self-imposed obligations of the non-Muslims. It is doubtful to believe the authenticity of the covenants of Ḥaḍrat 'Umar as the author of the *Caliphs and their non-Muslim Subjects*" himself suggests that "suspicion arises that the Covenant is not the work of Ḥaḍrat 'Umar. It presupposes a closer intercourse between the Christians and Muslims than was possible in the early days of the conquest. We cannot save it by arguing that it was legislation for the future.[100] The Covenant and the treaties narrated above, however, reveal a fundamental fact that apart from the guarantees given by Islām, like the protection of person, property and churches

of the non-Muslims, other conditions appertaining to their status was determined by means of a contract or mutual agreement.

Protection of Person, Property and Places of Worship

According to the guarantees given by Khālid bin Walīd to the non-Muslim inhabitants of Damascus, security of their person, property and churches was ensured on payment of *Jizya* or tribute. "Nothing but good shall befall them if they pay tribute," are the actual wording of the treaty. The inhibitants of Hims made peace with the Muslims on the condition that they gave them security for their persons, property, the city wall, the churches and the mills. In accordance with the wording of the Treaty of Jerusalem, Ḥaḍrat 'Umar gave the inhabitants of the city security for their lives, property, churches, and crosses, their sick and healthy and the rest of their religion. Their churches were not to be used as dwellings nor destroyed, nor their estates or property confiscated. All the schools of *fiqh* agree that it is not allowed to build new churches or synagogues in towns or cities of Islām. Mālik, Shāfi'ī and Aḥmad do not permit it even in the neighbourhood of the town, but Abū Ḥanīfah says that if the place is a mile or less from a town, it is not permitted, if the distance is greater, it is allowed. Abū Ḥanīfah, Mālik and Shāfi'ī permit to restore or rebuild the churches or synagogues in Islāmic countries.

No Religious Persecution

In the treaty of Jerusalem is clearly stated that "they (the *dhimmīs*) shall not be persecuted for religion's sake. Whoever wishes to go to the Greeks and take his property with him shall leave his churches and crosses. "Shāfi'ī holds that government must not interfere with any religious practice of the *dhimmīs*, so long as it is away from the notice of the Muslim public. The laws of 'Umar II and Mutawakkil are definite; they forbade the Christians to carry the cross in procession and to read their services in public.

Government Service

It is a well-known fact of Islāmic history that non- Muslims were employed in government service. Thus, Christians had been

secretaries, prefects, governors of several districts and envoys. Jews were appointed as Collectors of revenue. Non-Muslims were also employed as engineers and architects. Some of the physicians of the Caliphs were Jews or Christians.

Conditions of Protection

Mālik, Shāfi'ī and Aḥmad held that failure to pay the *Jizya* (poll tax) deprived the non-Muslims of protection. Aḥmad and Mālik held that blasphemy of God, of His book, of His religion, and of His Prophet on the part of the *dhimmīs* put the latter outside the law. 'Abdul Qāsim said that eight deeds made a *dhimmī* an outlaw—" an agreement to fight the Muslims, fornication with a Muslim woman, an attempt to marry one, an attempt to pervert a Muslim from his religion, robbery of a Muslim on the highway, acting as a spy for un-believers or sending them information or acting as guide to them and the killing of a Muslim man or woman". Abū Ḥānīfah's views were lenient in this respect, and he did not recommend severity on the *dhimmis* who insulted the religion of Islām in some way or other.

The three classes of the *dhimmīs*—the rich, the middle class and the poor had to pay forty eight *dirhams*, twenty four *dirhams* and twelve *dirhams*, respectively. Muslim traditions favour the kindly treatment of the *dhimmīs*. The Prophet said, "If any one wrong a man to whom a treaty has been granted, or burdens him above his strength, I am an advocate against him till the day of judgement." Ḥaḍrat Abū Bakr said, "Do not kill any of the protected people, for if you do, God will require the protection of them from you and will cast you on your faces in hell." When the Muslim troops started for Syria, Ḥaḍrat Abū Bakr issued these commands, "when you enter that country, kill neither old man, nor little child, nor woman. Do not pull down a pillar saint from its place. Do not injure the monks for they have set themselves apart to worship God. Do not cut down a tree nor uproot a plant. Do not rip up any ox, cow, or sheep. If a people receive you, make an agreement with them and keep your promise. Let them be governed by their laws and established customs, and take tribute from them as is

agreed between you. Leave them in their religion and their land."

Ḥaḍrat 'Umar showed tenderness towards the *dhimmīs*. When he found in Syria some *dhimmis* being molested for not paying the tribute on the plea that they were poor, he said, "Let them go, do not annoy them." In the case of a Jew beggar, Ḥaḍrat 'Umar issued an order to the treasury to the effect, "See to this man and his like, for we have not done right if we devour their youth and neglect their old age. The religions tax is for the poor and the needy. The poor are the Muslims; this man is one of the needy of the people of the book." Christian evidence supported the view that *dhimmīs* were kindly treated in the days of *Khilāfat*. "The Arabs to whom God gave the dominion over the world, behave to us as you know. They are not hostile to Christianity, but praise our religion, honour the priests and saints and help the churches and monasteries."[101]

NOTES TO CHAPTER II

1 Plate, Republic p. 355
2 Aristotl'e-Politics, p. 5
3 Ibid p. 7
4 Hobbes—Leviathan, p. 65
5 Rousseau-Social Contract, p. 5
6 Locke-Civil Government, p. 169
7 Machiavelli—The Prince, p. 92
8 Bodin-Masters of Political Thought, Vol. II, pp. 63 & 64
9 Bentham and Mill-Masters of Political Thought, Vol. III, pp. 105 & 106
10 Bosanquet-Philosophical Theory of the State, p. 177
11 Laski—A Grammar of Politics, p. 17
12 Al-Qur'ān 2:25. A *Momin* is one who has *Imān*. *Imān* connotes confession of *Ghāib* (unseen) within the heart, by expression and consequent action. As such those who believe in Allāh, His Apostles, the Books, the angels, the Last Day and the hereafter-Heaven and Hell-are *Momin*. (Vide Tafsīr Ibn Kathīr Part I, pp. 53, 54.
13 Al-Qur'ān 2:10
14 Ibid 2:18
15 Ibid 2:38
16 Chapter XI
17 Al-Qur'ān 8-10
18 Bukhārī, p. 20
19 Muslim, Vol, I, p. 396
20 Al-Qur'ān 2:26
21 Ibid 2:26
22 Ibid 2:4
23 Explanation in Muslim, Vol. I, p. 80
24 Al-Qur'ān 2:5
25 Ibid 3:20
26 Ibid 2:20
27 Ibid 10:1
28 Ibid 2:1
29 Ibid 29:5
30 Ibid 2:34
31 Ibid 7:16
32 Ibid 2:4
33 Ibid 45:12, 13
34 Ibid 50:2
35 Ibid 39:7
36 Ibid 4:18
37 Ibid 18:12
38 Ibid 16:10
39 Ibid 2:2
40 Ibid 2:2

41 Ibid 2:2
42 Ibid 2:9
43 Ibid 2:4
44 Ibid 2:5
45 Ibid 9:9
46 Bukhāri, pp. 22 and 27
47 Ibid, Vol. II, p. 268 ان الله يويدالذين بارلرجل الفاجر
48 Al-Qur'ān 3:5
49 Ibid 2:34
50 Bukhārī, p. 16
51 Bukhārī p. 15
52 Ibid, Vol. II, p. 460
53 Tirmidhī, Vol. I, p. 252
54 Bukhārī, p. 16
55 Al-Qur'ān 2:28
56 Muslim, Vol. VI, p. 238
57 Bukhārī, Vol. II, p. 174
58 Ibid, p. 251
59 Ibid, Vol. II, p. 430
60 Al-Qur'ān 2:27 also 5:12
61 Ibid 4:21
62 Ibid 6:19
63 Bukhārī, Vol. II, p. 193 خيارکم احسنكم اخلاقاً
64 Al-Qur'ān 31:2
65 Ibid 3:19
66 Ibid 3:20
67 Bukhārī, p. 257
68 Al-Qur'ān 49:2
69 Ibid 3:14
70 Ibid 9:9
71 Ibid 4:5
72 Ibid: 4:5
73 Ibid 16:13
74 Ibid 4:1
75 Ibid 4:6
76 Tirmidhī, Vol. I, p. 199
77 Al-Qur'ān 4:1
78 Ibid 4:19
79 Tirmidhī, Vol. I, p. 199
80 Al-Qur'ān 4:21
81 Ibid 7:5
82 Ibid 2:26
83 Ibid 3:2
84 Ibid 7:3
85 Ibid 2:19
86 Ibid 5:2

87 Ibid 2:8
88 Ibid 2:34
89 Ibid 5:8
90 Bukhārī, Vol. II, p. 425
91 Quoted from Levy—Sociology of Islām, Vol. I, pp. 280-282
92 Quoted from the Caliphs and "their non-Muslim Subjects" by A. S. Tritton, pp. 5 and 6.
93 A board beaten with a stick or hammer taking the place of bells in eastern churches.
94 The titles-"father of", "son of", "mother of".
95 The Caliphs and their non-Muslim subjects by A. S. Tritton, pp. 6 to 8
96 A tall cap.
97 The Caliphs and their non-Muslim subjects—by A. S. Tritton, p. 9
98 Ibid 9 & 10
99 Ibid, p. 10
100 Ibid, p. 10
101 Ibid, p. 139

CHAPTER III

The Islamic Millat.

The belief that "Nationalism is foreign to Muslim Polity"[1] has been a time-honoured doctrine among the Muslim writers and thinkers. Yet, the spread of nationalism in Muslim lands was accepted as an undeniable fact[2] but was never considered as an ideal. Nationalism was used as a tool for emancipation of Muslim countries under foreign bondage. In some cases, the technique of freedom movement was based on religious nationalism; [3] the spirit, however, was that of *Islāmic Millat*. A misconceived notion of "*Islāmī Qaumiat*" was also evolved.[4] The question arose whether nationalism will change the face of Islām[5] or it will "remain on good terms with faith"[6]. As against these misgivings, a complete theory of *Islāmic Millat* was propounded.[7] The problem today remains how best the Muslim nations can achieve the ideals of the *Islāmic Millat* so as to give the Muslim world a semblance of unity resulting in an embodiment of will and purpose. It has been very aptly suggested that "it is the task of Muslims themselves to find the way and to reformulate their principles of belief and action accordingly."[8] As a help to the solution of the problem, a clear understanding of the Western notions of nationalism and the ingredients of the *Islāmic Millat* is absolutely necessary.

Age of Nationalism

The West has been carving out idol after idol. In the sphere of political theory and practice, such idols have been of nationalism and

democracy, state-authority and individual freedom. Speaking historically, the political and religious system of Medieval Europe had crumbled before the combined assaults of the Renaissance and the Reformation and the nineteenth century Europe witnessed the rise of nation-states with definite precepts of territorial allegiance and absolute sovereignty, all spurred by the break-down of feudalism and traditionalism. The Western civilization spread like wild fire and burnt out the harvests of the East. The East fell an easy prey to the onslaught of the West. The idols of nationalism, democracy, authoritarianism and secularization held a complete sway in the East and came to be regarded as objects of utmost veneration and unqualified devotion. Humanity was, thus, according to the Poet of the East, lost and nations came into being.[9]

Likewise, Evan Luard has graphically described the havoc wrought in the wake of nationalism in as much as nations have created "the agents of a competitive struggle more ferocious, destructive and murderous than any known in earlier times. From them they have wrought the means to devise and deliver instruments of death of a power no earlier society could dispose of. Through them, they have partitioned the world, and its inhabitants, with the impregnable barriers set up by national frontiers, national passports and national culture, in a patch work more rigid and exclusive than any seen before. And with them they have divided up the wealth of the world, and the amenities it procures, in shares more disproportionate even than those that once prevailed within their frontiers. So man's supreme accomplishment has become, in the relations it undertakes with others, his supreme humiliation."[10]

The history of the nineteenth century Europe represented an age of pan-nationalism. It, however, remained no longer peculiar to the Christian West[11] but soon affected the whole world, all peoples and all civilizations. Nationalism enveloped the entire globe—European, Asian and African countries—their civilizations, Muslim, Hindu, Confucian and Buddhist.[12] To the Muslim World, it apparently brought feelings of liberation and blessings of self-government. Turkey, Irān, Egypt, Pākistān, Indonesia, Libya, Jordan, Somalia, Tunis, Morocco and Algeria all breathed its atmosphere.[13]

Nationality and Nation

Political Science makes a distinction between the modern concepts of 'People', 'Nation', and 'naionality. The English terms 'people' and 'nation' correspond with their German equivalents 'nation' and 'volk'. The term people signifies a mass of men, united together by a common civilization without any bond of the state. Burgess defined a people as "a population having a common language and literature, a common tradition and history, common customs and common consciousness of rights and wrongs, inhabiting a territory of a geographic unity." To Bluntschli, a people are "a union of masses of men of different occupations and social strata in any hereditary society of common spirit, feeling and race, bound together especially by language and customs, in a common civilization which gives them a sense of unity and distinction from all foreigners, quite apart from the bond of the state."

The word 'nationality' is derived from the Latin term *Natio* implying a common racial descent. Apart from racial characteristics, it consists, according to Carlton, in several parts such as physical geography, historical traditions, religious environment, political organization, fighting capacity, industrial and economic development and artistic and intellectual achievements.[14] Gilchrist defined nationality as "a *spiritual sentiment* or principle arising among a number of people usually of the same race, resident on the same territory, having a common language, the same religion, similar history and tradition, common interests, with common political association and common ideals of political unity."[15]

The term 'Nationality' is closely related to the idea of nation. In simple terms, nationalism may be defined as a "fusion of patriotism with a consciousness of nationality."[16] The term "nationalities" has, however, been used in the sense of groups of people, who have not as yet attained the position of nation. With some nations, the value of common descent, racial purity and the past are matters of belief and adoration.[17] Hazem Zaki Nuseibeh states that "there are three factors—heredity, physical environment and social environment, the interaction of which, as a matter of course and in varying degrees, brings about a division of human kind with different racial, geogra-

phical and cultural areas. Their concrete and seemingly pervasive factors of differentiation do not necessarily coincide with national divisions as they are understood and cherished in modern times. At the same time, no case of nationalism is explicable without the presence in a substantial degree, of one or more of those objective factors. Indeed, variations in the strength and combination of those factors account, at least in part for the disparities in relative intensity of national consciousness and solidarity observable in various nations."[18]

Nationalism, according to Gooch, is not a doctrine, but an instinctive emotion, a self or group-consciousness of a nation, which is regarded as an "organism, a spiritual entity."[19] Nationalism is concerned with the whole life of man in an indivisible whole. A theory of nationalism is a theory of human life. Nationalism encompasses the total experiences, aspirations and stirrings of nation. It must account for the motivations, the desires, the needs and the fears that spur nations to action."[20]

Millat—its Bases

The Muslim world, though of late based on nationalistic lines, has developed on an un-Islāmic principle. Nationalism has been regarded as incompatible with Muslim polity. "As a creed," says Hazem Zaki Nuseibeh, "Islām is unequivocally hostile to the sort of divisive contentions that are an endemic feature of nationalism."[21] Islām believes in the basic unity of mankind and does not aim at the division of humanity into nations. Islām postulates faith in Allāh and His last Prophet and it is this faith, which orders the loyalties of the believing Musalmāns. The *Islāmic Millat* composed of the Musalmāns, is a group set apart from the rest of humanity and charged with the duty of converting the rest of mankind to this faith so as to realise the ideal of a "single community". Consequently, it Is only faith that can divide humanity into believers and non-believers for the time being, till, with the realization of the unity of the whole world into a single community of faith, the distinction between believers and non-believers is lost.

Islāmic polity has borrowed the terms of *Ummat* and *Millat* from the Qur'ān and Ḥadīth. Mankind has been referred to in

the Qur'ān as a single *Ummat*[22] and the Musalmāns as the best *Ummat*.[23]. Pointing to the believers, the Qur'ān states, "You are the best of the *Ummats* raised up for (the benefit of) men; you enjoin what is right and forbid the wrong and believe in Allāh."[24] Likewise it is related in the Ḥadīth that "Among the *Ummats*, the *Ummat* of Muḥammad (May Allāh's peace be upon him) is like the prayer of '*Aṣr*, which is preferred to other prayers on account of its good."[25]

The *Islāmic Millat* is based on the fundamental principles of the Unity of the Divine Being, the Finality of Prophethood and the brotherhood of man. The Unity of God is manifested in the Unity of Divine creation. The Qur'ān revealed that Allāh is the Lord of the Heavens and the earth[26], the Lord of the Easts and Wests;"[27] the Lord, the Sustainer and the Nourisher of all the peoples and all the Worlds.[28] The Mujaddid-i-Alf-i-Thānī describes the three groups of *Ṭarīqat* (paths). Firstly, it is said that the whole universe is the creation of God; its properties and qualities are all invented by Him, and it has no reference to the Divine Being of Allāh in whole or in part. This view, in the opinion of the Mujaddid, is in accord with the Sharī'at of Islām. Secondly, it is alleged that this Universe is the *Ẓill* (Shadow) of Allāh; not a reality but as a reflection. Thirdly, it is pointed out that God is all-pervading spirit: (*Waḥdat-i-Wujūd*): the universe in its externals manifests only the Divine Being.[29]

The principle of *Tawḥīd* consists in a demand of loyalty to Allāh. Allāh is the ultimate spiritual basis of all life; loyalty to Him, therefore, amounts to man's loyalty to his own ideal nature. The Qur'ān says that Allāh is the guardian of the believers and that the believers have to turn towards Him alone for help and protection.[30] "Surely, Allāh is with those who guard (against evil), and those who do good (to others)."[31]

The whole Universe has been regarded in Islām as an organic growth; heavens and earth, tribes and *Ummats*, races—their tongues and colours—and their division into male and female, are all organically related to one another. There are different grades and stages of excellence in the world of creation which are clear manifestations of the operative principle of the Divine Being. "And one of His signs is the creation of the heavens and the earth and the diversity of your

tongues and colours; most surely, there are signs in this for the learned.[32]. "And indeed He has created you through various grades."[33] "Surely, we have created you of a male and female."[34]

Humanity was required to realize its ideal of unity and consequently, prophets were sent by Allāh one after another to reform its corrupt conditions. Every prophet came with a code of life to establish an ethical ideal and a way of life based on it so that a new world order may come into being. The Prophet of Islām, the last of all prophets, came with the last and final code but emphasized that Allāh is the Lord of all *Ummats*; every *Ummat* could believe in what was revealed to it[35]; all prophets were to be respected[36]; and all will be judged according to their own deeds,[37] Accordingly, the Prophet of Islām was commanded by Allāh to do justice between peoples of different *Ummats* and to "judge between people in what they differed."[38]

The institution of prophethood unifies the *Millat* and completes its formation under an organized system of law and order. The extraordinary and remarkable personality of the Prophet of Islām provides a connecting link between the various loyalties characteristic of the fundamental polity of Islām. It is on account of this concentration of loyalties that the Muslims are transformed into a well-defined unified *Millat*. The Prophet is the guide and unifier of the *Muslim Millat* on the basis of *Dīn* revealed to him as the last Prophet. That which connects the world of reality with the existence of God, says the Great Mujaddid is the personality of the Prophet. The *Ummat* of the Prophet also can reach its perfection through his blessings.[39]

From the Unity of the Divine Being, there springs the doctrine of the unity of the human race. All men are treated alike; man is freed from the subjection of man. One God has its parallel in one humanity. The Qur'ān revealed a God of all the peoples,—not a Lord of Arabs or 'Ajamīs—but the God of Muslims, non-Muslims and the enemies of Muslims. Psychologically, the principle of *Tawḥīd* seeks to bring about an integral unity to the distracted and torn world. The remedy lies in an implicit faith in Allāh and submission to His will. The doctrine of *Tawḥīd*, on the other hand, embodies a principle of action and lies at the basis of human advancement. "Those who believe and do

good"[40] means that no belief is acceptable unless it is carried into practice by the performance of duties to Allāh.

The *Islāmic Millat* represents a unity of will and purpose—a practical structure founded on faith and morals. The *Islāmic Millat* is composed of the individual Musalmāns, who are a source of strength to the *Millat* and the *Millat* exalts their position. An individual's personality shines in the collective organization of the *Millat* and the *Millat* acquires unity through its individuality. Thus, the *Islāmic Millat* is required to achieve a real collective ego to live, move and have its being as a single individual."[41] "Hold fast to yourself; no one who erreth can hurt you, provided you are well-guided." The *Islāmic Millat* is an unified association of individual Musalmāns, animated by a strong desire for unity. The *Millat* has a peculiar vitality and permanence of its own and is perfected though the worship of and submission to Allāh. The *Millat* is responsible for establishing spiritual traditions in the group and for creating an inner consciousness in the individual, which are derived from the immutable laws of Islām.

The Muslim Community has been styled as the last and best *Ummat* created to act as the Khalīfah of Allāh on earth. It constitutes the leader of the rest of humanity. The Muslims as a community, says the Great Mujaddid-Alf-Thānī is the best *Ummat* owing to the absolute loyalty to the person of the Prophet.[42] The Musalmāns have for their guidance the most perfect, chosen and favoured *Dīn*-Islām; the most perfect revelation, best guide, last word, verifier and guardian of previous scriptures—the Qur'ān; and the last Prophet and exemplar-Muḥammad (May Allāh's peace be upon him). Allāh says in the Qur'ān "This day have I perfected for you your *dīn*, and completed My favour on you and chosen for you Islām as a *dīn*."[43] Islām dispels from the minds of the Musalmāns, the idea of inferiority complex, and the Qur'ān advising them says "you are the best *Ummat* that has been raised up for mankind."[44] "You enjoin right conduct and forbid wrong"[45] "We have made you an exalted *Ummat*, that you may be the bearers of witness to the people and that the Apostle may be bearer of witness to you."[46]

Every *Ummat*, like the individual, has its origin, development,

decay and death. "And for every *Ummat*" says the Qur'ān ' there is a doom."[47] The Qur'ān enumerates a number of causes of the downfall of *Ummats*. Firstly, *Ummats* are destroyed for committing faults. The Qur'ān bears testimony to this fact by saying that Allāh destroyed them (*Ummats*) on account of their faults and raised up after them another generation."[48] Secondly, if people are not prone to change their conditions, Allāh does not help them.[49] Thirdly, the people who lead easy lives are destroyed by Allāh. And fourthly, if a people transgress Divine Commandments, their doom is near.[50] Every *Ummat* has got its doom's day, and shall be punished or rewarded according to its deeds." 'Every *Ummat*," "says the Qur'ān, "shall be called to its book."[51]

Millat and Nation

The *Islāmic Millat* is not bound by race, colour or country, language or traditions, but is founded on the principle of the unity of mankind. The institution of prophethood is a unifying factor in the evolution of the *Millat*. The life of the *Millat* is lived according to its own distinct law—the Sharī'at or the Divine Code of ethical and social laws. Thus, a Muslim, living in any part of the world, descended from any race, of any colour, speaking any language, but professing Islām, is a member of the *Muslim Millat*. The *Muslim Millat* is, consequently, more than a nation and much more than a people.

The organization of the *Islāmic Millat* presupposes the existence of *Jamā'at* (unified group) and *Iṭā'at* (obedience). The *Muslim Millat* is required to hold fast by the covenant of Allāh and, thus, remain united. "And hold fast by the covenant of Allāh altogether, and be not disunited, and remember, the favour of Allāh on you when you were enemies, then He united your hearts so by His favour you became brethren." Obedience to Allāh leads to the solidarity of the *Millat*. "And surely this your *Ummat* is one community and I am your Lord, therefore, be careful (of your duty) to Me."[52] "O Maryam! keep to obedience to your Lord and humble yourself and bow down with those who bow."[53] The Muslims are commanded not to rely on others. "O you who believe! do not take for intimate friends from any one besides yourselves."[54] The Muslims should neither be infirm nor disturb the unity of the *Muslim Millat*. "And

be not infirm, and be not grieving, and you shall have the upper hand if you are believers"[55]. "Whoever disturbs the solidarity of the *Muslim Millat*, he should be slain"[56]. The *Muslim Millat* is required to pay due homage to the *Amīr*, so long as the latter abides by the provisions of the Divine Law.

Muslim Brotherhood and Equality

The ultimate object of the *Islāmic Millat* is to establish the fundamental unity of mankind on the basis of equality, liberty and fraternity. Islām is a message of human equality in social status and legal rights. The Holy Qur'ān says, "And surely this your *Ummat* is one *Ummat* (community)[57]Islām sets forth a basis of a vast brotherhood, in which all men and women, of whatever tribe or clan, have equal rights as if members of the same family. Rich and poor, high and low are all equal in the sight of Allāh. "And do not drive away those who call upon their Lord in the morning and the evening, they desire only His favour; neither are you answerable for any reckoning of theirs, nor are they answerable for any reckoning of yours, so that you should drive them away and thus be of the unjust." [58] Islām is a complete social structure and embodies in itself the essentials of family life, social laws and rules for the preservation of human culture and civilization. "If ever I selected any person as khalīl (friend)", the Prophet said, "it would be Abū Bakr, but the fraternity and love of Islām are enough."[59] "Your wives," says the Qur'ān, have rights against you, as you have rights against them"[60]. The slave is to be clothed with the clothing and fed with the food of his master and is not to be treated harshly. "It is better to allow the slave and the servant to dine with the master."[61]

No Racial, Geographical or Linguistic Considerations

It goes without saying that in the formation of the *Millat*, Islām makes no distinction on account of birth or lineage, but teaches a practical brotherhood unparalleled in the history of mankind. The Islāmic conception of political unity is not , therefore, based on any racial consideration. "Surely this your *Ummat*," says the Qur'ān "is one *Ummat* (community)"[62]. The un-Islamic conception of a people today is that there are many factors that bring about their formation.

An important element is the purity of race. The truth is that a belief in common origin alone subsists, and a real scrutiny will reveal that today there are no pure races on the surface of the earth. The idea of racial purity leads to a claim for race superiority, which cuts at the very root of human brotherhood and equality.

The *Islāmic Millat* being based on the principles of the Unity of the Divine Being and the Finality of the Prophet, cannot be confined to territorial limits. Nationalism is foreign to Muslim polity. To a Muslim, the entire world is his abode and place of worship, for it lies within the *Mulk* of his Allāh. The idea of nationalism is based on the accidents of locality, race, colour and language; but Islām bases the *Millat* on the belief in one God and, thereby, on the belief of human brotherhood and equality. The universal spirit of Islām and its idea of fraternity cannot confine them to a particular locality or territory. Islām as a world system broadens the outlook of man and frees him from geographical and materialistic conceptions. Territorial nationalism and aggressive patriotism disrupt the essential unity of mankind and counteract the humanizing spirit of the world. It does not, however, mean that the political organization of the Musalmāns does not require any territory. It is presumed that the territory of the Islāmic government will go on expanding till it envelops the whole world and a universal organization comes into being. Humanity for its own sake should submit to the Divine Will. The *Islāmic Millat* is thus defined not by economic, linguistic, racial or territorial considerations, but by spiritual values and inner consciousness, derived from a complete code of a revealed faith.

Dīn—Foundation of the *Millat*

The *Muslim Millat* is extraordinarily God-conscious and is permeated by a control of the *Dīn* that extends to every sphere of its conduct. The influence of *Dīn* on politics cannot be easily ignored, although the modern tendency is in favour of the separation of religion from politics—the main cause of chaos and confusion in national and international affairs. The organization of a *Millat* rests on law, and the law of the *Islāmic Millat* is the Qur'ān. The *Islāmic Millat* is to be organized according to its own distinct law—the law of the Qur'ān, which manifests the Will of Allāh. The *Millat* is required to submit to

the Apostle, for he proclaimed and interpreted the Divine commandments as His messenger.

"He named you Muslims before and in this, that the Apostle may be a bearer of witness to you, and you may be bearers of witness to the people."[63] The true *dīn* of Allāh, which has been the *dīn* of all the Prophets is Islām. Every member of the *Muslim Millat* believes in the supremacy of Islām and the *dīn* of Islām lies at the basis of its organization. "Successful indeed are the believers, who are humble in their prayers; and who keep aloof from what is vain, and who act aiming at purification and who guard their private parts."[64] Belief in the Unity of the Divine Being and the Finality of the Prophet brings all the Muslims together and is alone responsible for the formation of the *Islāmic Millat.*" You shall not find a people who believe in Allāh and the latter day befriending those who act in opposition to Allāh and His Apostle. Allāh is well-pleased with them and they are well-pleased with Him; these are Allāh's party: now surely the party of Allāh are the successful ones."[65] "And every one has a direction to which he turns, therefore hasten to (do) good work; wherever you are, Allāh will bring you all together."[66].

Righteous as Successors

The Qur'ān promises that the righteous shall inherit the land. The *Islāmic Millat*, comprising righteous Muslims, is Allāh's successor on the earth. "He it is, who made you successor in the land".[67] "O Dā'ūd! We have appointed thee a vice-gerent in the earth."[68] And certainly. We wrote in the Book after the reminder that (as for) the land, My righteous servants shall inherit it"[69]. The righteous are those believers, who serve Allāh and do 'good deeds': they keep up their trust and their covenant and their prayer and enjoin right and forbid wrong. "Therefore, whoever shall do of good deeds and he is a believer, there shall be no denying of his endeavour and surely We wrote in the Book after the reminder that (as for) the land, My righteous servants shall inherit it"[70] "O My servants who believe! surely my earth is vast, therefore Me alone should you serve" "And those who are keepers of their trusts, and their covenant,[71] and those who keep a guard on their prayers; these are they

who are the inheritors"[72]. "Those, who, should We establish them in the land will keep up prayer and pay the poor rate and enjoin good and forbid evil: and Allāh is the end of the affairs."[73]

Duties of the *Millat*

The universal political organization of Islām exists for the perfection of the world order, and for the raising of humanity to a higher, nobler and spiritual life—a continuation of this life to the life in the next world. The Muslims being the best *Millat* and guide are directed to strive hard to achieve this ethical ideal for which Islām stands. Success is guaranteed to those who do their duties. "And convey good news to those who believe and do righteous deeds."[74] "Certainly Allāh conferred a benefit upon the believers when He raised among them an Apostle from among themselves, reciting to them His communications and purifying them, and teaching them the Book and the wisdom, although before that they were surely in manifest error."[75] "And from among you, there shall be a party who invite to good and enjoin what is right and forbid the wrong, that here it is that shall be successful."[76] The Prophet said, "A section of my *Ummat* will abide by righteousness and they will not be put to trouble till the Day of Doom."[77]

The honourable is one, who 'fears Allāh' and is 'careful of his duty.' "Surely, the most honourable of you with Allāh is the one among you most careful of his duty."[78] The Prophet said "The most venerable is one, who fears Allāh most."[79]

The duty of the *Islāmic Millat* is to 'enjoin right' and 'forbid wrong.' "You are the best of the *Ummats* raised up for (the benefit of) men: you enjoin what is right and forbid the wrong and believe in Allāh."[80] "And whatsoever they do of virtue shall not be denied."[81] "O you who believe! fasting is prescribed for you, . . . so that you may guard against evil."[82] "And (as for) the believing men and the believing women, they are guardians of each other: they enjoin good and forbid evil—and obey Allāh and His Apostle."[83]

Ka'ba*—Centre of the *Millat

The centre of the *Islāmic Millat* is Ka'ba. The standing place of Ḥaḍrat Ibrāhīm is declared in the Qur'ān as the Muslim centre, and

the doctrine of the Unity of the Divine race was to be proclaimed from this centre. From the principles of the Unity of the Divine Being and the Finality of the Prophet, the *Islāmic Millat*, having its centre at ka'ba has acquired the Unity of the Divine race. Ka'ba has been declared in the Qur'ān, secure from outside danger and a place of pilgrimage for the members of the *Muslim Millat*. "The standing place of Ibrāhīm, and whoever enters it shall be secure, and pilgrimage to the House is incumbent upon men for the sake of Allāh, (upon) every one who is able to undertake the journey to it."[84] "And proclaim among men the pilgrimage: they will come to you on foot and on every lean camel, coming from every remote path."[85] "Allāh has made the Ka'ba, the sacred house, a maintenance for the people."[86]

Wherever a member of the *Islāmic Millat* may be, he is required to turn his face in prayer towards the *Qiblah* i.e. the sacred Mosque. "So We shall surely turn you to a *Qiblah* while you shall like: turn then your face towards the Sacred Mosque."[87] "And from whatsoever place you come forth, turn your face towards the Sacred Mosque."[88] "And that the mosques are Allāh's, therefore call not upon any one with Allāh."[89] The righteous *Islāmic Millat* is the guardian of the Ka'ba. "And what (excuse) have they that Allāh should not chastise them while they hinder (men) from the Sacred Mosque and they are not (fit to be) guardians of it; its guardians are only those who guard (against evil) but most of them do not know."[90] "Certainly a mosque founded on piety from the very first day is more deserving that you should stand in it; in it are men who love that they should be purified; and Allāh loves those who purify themselves."[91] "Only they shall visit the mosques of Allāh, who believe in Allāh and the latter day and keep up prayer and pay the poor rate and fear none, save Allāh."[92]

The idolators and polytheists are prohibited from entering the Sacred Mosque or performing the *Ḥaj*. "O you who believe! the idolators are nothing but unclean so they shall not approach the Sacred Mosque."[93] "The Idolators have no right to visit the mosque of Allāh."[94] "The Prophet ordered that a "*Mushrik* (polytheist) is forbidden to enter the Sacred Mosque."[95] "The *Mushrik* is prohi-

bited from observing the Ḥaj."[96] "There can neither be *Jihād*, nor hunting nor can any weapon of injury be used in the Sacred Mosque."[97]

Ordering of Loyalties

Islām has laid the greatest stress on the ordering of the individual's loyalties. The individual Muslim as well as the *Islāmic Millat* is commanded to be loyal firstly and lastly to Allāh, then to the Prophet and then to those in authority from among them. The organization of the *Islāmic Millat* rests on the principles of loyalty, service and sacrifice. The *Islāmic Millat* constitutes a harmonious whole in which the claims of the family, community, parents, women, orphans, slaves and unbelievers are duly recognized, and the performance of any such service or sacrifice carries with it a Divine reward." Be good to parents, near of kin, orphans, needy, the near neighbour, the distant heighbour, companion in journey, way farer and whom you right hands possess."[98]

The first and last loyalty is to Allāh. "O People; be careful of (youı duty to) your Lord, who created you from a single being and created its mate of the same (kind) and spread from these too many men and women; and be careful of your duty to Allāh, by Whom you demand one of another (you rights) and (to) the ties of relationship. surely Allāh ever watches over you."[99] "And do not drive away those who call upon their Lord in the morning and the evening, they desire only His favour."[100] "They think that they lay you under an obligation by becoming Muslıms. Say, lay me not under obligation by your Islām; rather Allāh lays you under an obligation by guiding you to the faith if you are truthful"[101] "The believers are only those who believe in Allāh and His Apostle then they doubt not and struggle hard with their wealth and theiı lives in the way of Allāh; they are the truthful ones."[102]

The well-being of the *Millat* is to be safeguarded and the interests of its component parts are to be secured. Wealth is to be spent for the good of the *Millat* and its members. "They ask you as to what they shall spend. Say: whatever wealth you spend, it is for the parents and the near of kin and the orphans and the needy and the way farer, and whatever good you do, Allāh surely knows it."[103] 'A *Momin*

is to a *Momin* like a building structure, one part of it strengthens the other."[104] "The person who raises sword against us is not from amongst us."[105]

Mutual Trusts and Obligations

Next to the collective interest of the *Millat*, comes the security and well-being of the family. The family constitutes a basic unit of the *Millat*, and the contribution of the former towards the latter is immense. Members of the family are constantly reminded of their mutual duties, in the Qur'ān," "O you men! surely, We have created you of a male and a female, and made you tribes and families that you may know each other; surely, the most honourable of you with Allāh is the one among you most careful(of his duty)"[106] "And be careful of (your duty to) Allāh by whom you demand one of another (your rights), and (to) the ties of relationship; surely Allāh ever watches over you."[107]

The family life is to be marked by mutual love, harmony and justice. "And one of His signs is that He created mates for you from yourselves that you may find quiet of mind in them, and He put between you love and compassion."[108] "That is of which Allāh gives the good news to His servants, (to) those who believe and do good deeds, say: I do not ask of you any reward for it but love for relatives; and whoever earns good, We give him more of good therein."[109] "The person who alienates the sympathies of a wife towards her husband or of a slave towards his master is not one of us (or from us) "[110] " . . . Then marry such women as seem good to you, two and three and four, but if you fear that you will not do justice (between them), then (marry) only one...."[111] "And you have it not in your power to do justice between your wives, even though you covet (it) but be not disinclined (to one wife)"[112]

The whole organization of the family, like that of the state and government, is marked by a series of trusts, which alone can ensure the happiness of life. The Prophet said. "Man is a shepherd in the home and is accountable for the (welfare of) members of the family. Woman is a shepherdess and is answerable for those subject to her authority. The servant is a shepherd of his master's property and is

accountable for it . . . all of you are shepherds and are held responsible for your trusts.[113] "And (as for) the believing men and the believing women they are guardians of each other; they enjoin good and forbid evil and keep up prayers and pay the poor rate, and obey Allāh and his Apostle."[114] "Whosoever does good, whether male and female, and he is a believer, We will most certainly make him live a happy life, and We will most certainly give them their reward for the best of what they did."[115]

Allāh has commanded us to do goodness to our parents and treat them with compassion. "And your Lord has commanded that you shall not serve (any) but Him and goodness to your parents. If either or both of them reach old age, say not to them (so much as) 'ufh' nor chide them, and speak to them a generous word."[116] "You shall not worship any but Allāh and (you shall do) good to (your) parents, and to the near of kin, orphans and the poor"[117] "And make yourself submissively gentle to them (parents) with compassion, and say; 'O my Lord have compassion on them, as they brought me up (when I was little.)"[118] "Be good to parents, near of kin . . ."[119]

Women are to be kindly regarded, orphans and the needy protected and slaves humanely treated. "O you who believe! it is not allowed unto you that you may heir the women forcibly"[120] and (you shall do) good to your parents, and to the near of kin and to the orphans and the needy, and you shall speak to men good words and keep up prayer and pay the poor rate."[121] "Be good to parents near of kin, orphans, needy . . . "[122] "And give to the orphans their property."[123] Slaves are to be fed and clothed like their masters and are to be freed. "Show kindness to those whom your right hand possesses."[124] The Prophet ordered "your slaves are your brethren. They have been entrusted to your charge so that they be fed with the food you eat and clothed with the clothing you wear."[125] "The person who alienates the sympathies of ...a slave towards his master is not one of us,"said the Prophet.[126] One who beat his slave the Prophet ordered the latter's freedom.[127] "One, who frees his slaves is freed from the punishment of Hell, is the Prophet's saying.[128] Everybody will be rewarded or punished according to his good or

bad deeds. "We shall gather them together on a day about which there is no doubt, and every soul shall be fully paid what it has earned."[129] Whoever does good, whether male or female and he is a believer, We will most certainly give them their reward for the best of what they did."[130]

Demerits of Nationalism

Having narrated the "Western theory of nationalism and the ingredients of the *Islāmic Millat*, it seems worth-while to describe the demerits which have been revealed in the working of nationalism. The Anglo-American pattern of nationalism did inspire the people to seek the blessings of self-government but the concept of new nationalism, says Hans Kohn, "not tempered by regard for the ever-ruling values of humanity and the rights of other peoples, grows morally sterile and politically *dangerous to civil liberty and peace.* Then nothing remains but the nation, which has become the one and the whole, the supreme guide of man's action and thought. Such a nationalism especially when it is based upon racial or religious uniformity or exclusivity produces, if it disposes of military strength and a militant spirit, a *grave threat to its neighbours* and in any case *a source of spiritual decay to its own members.*" [131]

It is admitted on all hands that nationalism *mars the basic unity of mankind* and brings about a division of humanity into "different racial, geographical and cultural areas."[132]

Strangely enough, it has been pointed out that *nationalism is compatible both with democracy and dictatorship.* Nationalism as a mass movement went hand in hand with democracy and secularism in countries like the United States and Great Britain.[133] But nationalism was found more compatible with dictatorship. A "totalitarian nationalism" flourished in Hitler's Germany"[134] and in a lesser degree in Stalin's Russia and Mussolini's Italy. Nationalism still *remains* the *strong mark of authoritarianism* in its concept of government."[135]

It is claimed with great confidence that nationalism has now grown into a world cult and is in the process of being converted into a universal religion. The advocates are not, however, unmindful of the fact that the present *nationalism has "an ever-growing number*

of jealous and quarrel-some sects."[136] It is asserted that man's religious sense is today more exemplified in nationalism.[137] Nevertheless, it is frankly admitted that nationalism is a "*bloody religion.*"[138]

As regards the future of nationalism, its adherents point out to its tendency of developing into a world order. "The new era of global history," says Hans Kohn, "will find its ultimate justification in transcending itself in an international global order for which it creates the power."[139] The pious hope is shattered at the alter of brass facts. Evan Luard painfully observes "*While all aspire to the creation of a community of man, the outward form remains that of a concourse of nations. All remain transfixed by the influence of impulses devised for a society whose functional bases are already dead.*"[140]

Future of the Islāmic *Millat*

It is futile to expect that Western nationalism which started with the premises of the division of mankind and nation-states, should be able to reunite humanity into a world community. Nationalism, though repugnant to Islām, found an easy way into the Muslim world and destroyed its inner unity based on Khilāfat. The *Muslim Millat* lost its vitality and oneness of purpose, yet the brotherhood of Islām survives till today. For a time, the distinction between *Millat* and Nation was lost; the term 'nation' was adopted in the Muslim geographical regions, partly because it was in vogue and more understandable in the world at large and partly because this technique helped them in the process of their emancipation. But the cries of 'nation' and 'nationalism' were imbued with the spirit of Islām, which gave them a further impetus. Nationalism in the Muslim lands was Western in structure but Islāmic in spirit. The Western notions of nationalism were assumed by parts of a unified society, which was founded on faith alone. Nationalism tried to mar the face of Islām but in turn lost its own shape. Through nationalism, the parts of the Muslim World regained their freedom, while losing the whole which could not survive as a unity.

However much the West may try, nationalism cannot be elevated to the position of a religion, much less to a code of life. Nationalism

constitutes, in their own words, a danger to civil liberty and peace, a grave threat to neighbours, a source of spiritual decay to its own followers, a killer of the basic unity of mankind, a partner of dictatorship and authoritarianism and a bloody religion. Yet the West harps upon the ideals of 'world community;' 'world government' and 'World Law' to be realised on the plane of nation-states.

It is rightly asserted that "respect for the *Sharī'at* . . . remains the core of Muslim social thinking and that with the maintenance of the *Sharī'at* is linked the survival or disappearance of Islām as an organized system."[141] Thus, the supremacy of the *Sharī'at* and the unity of the Muslim world based on the concept of Khilāfat have been regarded as the cardinal principles of Islāmic Polity. With the abolition of Khilāfat, the semblance of the unity of the *Islāmic Millat* disappeared. The loss of political power may be regretted, but it is not without a blessing in disguise. "The spiritual energy of Islām is not, as has been so often mentioned," says Thomas Arnold, "commensurate with its political power. On the contrary, the loss of political power and wordly prosperity have served to bring to the front the fine spiritual qualities which are the true incentives to missionary work."[142] This opinion conflicts with the views of Ibn Khaldūn that for the propagation and the preservation of the faith, political authority is indispensable. Arnold's statement, however, is truly expressive of the vitality of Islām, which knows "the uses of adversity as well."

E. I. J. Rosenthal while dealing with "Islām in the Modern National State" is entirely wrong in arriving at the conclusion that the Muslim intelligentsia is engrossed with the question—"What is Islām?"[143] On the contrary, the problem before them has been to revive the lost unity of the *Muslim Millat* in the face of modern materialistic nationalism.

The problem of the unification of the Muslim world has all along been engaging the attention of Muslim leaders of thought. Jamāl-ud-dīn Afghānī "brought inspiration and a popular programme to the Pan-Islāmic movement by re-stating the bases of the Islāmic Community in terms of nationalism."[144] While he was opposed to Western penetration, Jamāl-ud-dīn was equally emphatic on the internal reforms of Muslim society. His call to the Muslim World was "return to your original *dīn*"[145]; its fundamentals are everlasting and conducive

to the attainment of moral and material well-being. For that purpose, Khilāfat being based upon the *Sharī'at* of Islām and recognized as a divinely inspired institution, possesses requisite authority to enforce the *Sharī'at* and to ensure the collective unity and integrity of the *Islāmic Millat*. Ibn Taymīya propounded his theory of *Siāsah Sharī'ah*, emphasizing the *Sharī'at* as the supreme authority in its application to the *Islāmic Millat*. *Ijmā'*, according to him is the infallible voice of the *Millat* in matters of political organization. Al-Mujaddid Alf-Thānī has again and again stressed upon the promulgation of the *Sharī'at*, which is a means to the attainment of welfare in this world and good in the hereafter.[146] To sum up the position of these thinkers and reformers, that which strengthens and unifies the *Islāmic Millat* is the organization of khilāfat; that which recognizes and legalizes the institution of khilāfat is the *Sharī'at*; that which justifies the existence and continuance of khilāfat is the enforcement of the *Sharī'at* itself, that which will secure good in this world and the hereafter is to follow the principle of *dīn*—which is founded on the *Kitāb* of Allāh, the *Sunnat* of the Prophet, the *Ijmā'* of the *Millat* and the *Ijtehād* of the *A'immah*.

Following Jamāl-ud-dīn Afghānī, Iqbāl suggested a more realistic scheme when he appealed to the Muslim states to focus their attention on their internal reforms and integrity and become strong and then form a living family of republics.[147] Since the various Muslim States are not prepared to forego their national existence, the first duty devolving upon them should be to appoint a Khilāfat Board consisting of all the rulers or their representatives to deliberate and decide upon matters of common interests such as defence, economic planning and codification and enforcement of Islāmic Law. This can be effected on the level of Muslim governments or Muslim peoples. Best results can however, be obtained if both these elements, naturally devoted to the cause of Islām, coincide and bring about a unity of will and purpose so essential to the preservation of the faith and well-being of the *Muslim Millat*.

NOTES TO CHAPTER III

1 Hazem Zaki Nuseibeh - the Ideas of Arab Nationalism — New York—1956, pp. 18-19.

2 Jamāl-ud-Din Afghānī - Maqālāt — Urdū Translation Karachi—p. 21. Iqbāl-Reconstruction of Religious Thought in Islām-Lāhore, pp. 225-226.

3 Pākistān was based on the two-nation theory. The Musalmāns in India were claimed to be a separate nation. But a cry for the establishment of a homeland for the Musalmāns, where they could order their lives according to the tenets of Islām, represented the spirit of the Islāmic *Millat*.

4 Maulānā Abul Ā'lā Mādūdī — Maslah-I-Quamiat — Matba'- i - Jamā'at-i-Islāmī-Pathānkot, p. 20.

5 E. I. J. Rosenthal—Islām in the Modern National State—Cambridge—1963, p. 281.

6 H.A.R. Gibb—Modern Trends in Islām, Chicago, p. 116.

7 Iqbāl—in his Rumūz-i-Baikhudī, has, in detail, described the organization of the *Islāmic Millat*.

8 H.A.R. Gibb—Modern Trends in Islām-Chicago—p. 129

9 Iqbāl as a Thinker, Lahore, p. 255 آدمیت گم شد و اقوام ماند

10 Evan Luard—Nationality and Wealth—A study in World Government, London, 1964, pp. 8-9.

11 Carlton J. H. Hayes—Nationalism—A Religion, New York, 1960—p. 1.

12 Ibid, p. 1

13 Ibid, p. 2

14 Ibid, pp. 2-5

15 Gilchrist, R.N. Principles of Political Science, Calcutta, 1961, p. 25

16 Carlten J. H. Hayes—Nationalism—a Religion, New York 1960, p. 2

17 Hans Kohn—The Age of Nationalism, the First Era of Global History, New York, 1962 p. 17.

18 Hazen Zaki Nuesebih—The Idea of Arab Nationalism, p. 209

19 G. P. Gooch—Nationalism—New York, London 1920, pp. 5-6.

20 Hazem Zaki Nuseibeh—The Idea of Arab Nationalism, p. 211.

21 Ibid, pp. 18-19

22 Al-Qur'ān 16:13 ولو شاء الله لجعلكم امة واحده 2:26 كان الناس امة واحده

23 Ibid 3:12 كنتم خير امة اخرجت للناس تامرون بالمعروف و تنهون عن المنكر

24 Ibid 3:12 و ترمنون با الله

25 Bukhārī, pp. 14-145. The term قوم has been mentioned in the Qur'ān meaning a 'People' or a 'Group' such as قوم يتفكرون قوم لا يعقلون (Qur'ān 59:2) قوم الفاسقين (Qur'ān 63:1). It has also been used in the meaning of tribe, like قوم لوط (Qur'ān 54:2) قوم نوح (Qur'ān 25:4 and 51:2) قوم طاغون (Qur'ān 52:2). The term امت denoted an organizational basis of a group of people usually as followers of a prophet. The term ملت signified a continuous process of a living community from the time of Ḥaḍrat Ibrāhim till the days of the last and final *Ummat* of Prophet Muḥammad. The *Islāmic Millat*

is, therefore. founded on faith and as a community of faith it is everlasting. Thus, none of the Qur'ānic terms of امت ،قوم and ملت corresponds with the modern concept of nation.

26 Al-Qur'ān 37:5
27 Ibid 70:2
28 Ibid 1:1
29 Imām Rabbānī Mujaddid-i-Alf-i-Thāni—Maktūbāt—Translated by Prof. 'Alī Nawāz Jitoi, p. 77.
30 Al-Qur'ān 6:2
31 Ibid 16:16
32 Ibid 30:3
33 Ibid 71:1
34 Ibid 49:2
35 Ibid 29:5. Ibn Kathīr says that during the ten epochs intervening Ḥaḍrat Ādam and Ḥaḍrat Nooh, people abided by the *Sharī'āt*, but soon after corruption arose and later prophets were sent by Allāh to reform the conditions till the Last Prophet came—Tafsīr Ibn Kathīr Part II, pp. 74 & 75.
36 Al-Qur'an 2:16;3:7
37 Ibid 45:2
38 Ibid 2:26
39 Al-Mujaddid-i-Alf-i-Thānī, Maktūbāt, p. 328
40 Al-Qur'ān 16:16
41 Muḥammad 'Azīz Aḥmad—Iqbāl as a Thinker, p. 245
42 Al-Mujaddid-i-Alf-i-Thanī, Maktūbāt, p. 106
43 Al-Qur'ān 5:1
44 Ibid 3:12
45 Ibid 3:12
46 Ibid 2:17
47 Ibid 7:4 ولكل امه" اجل
48 Ibid 6:1
49 Ibid 13:2 ان الله لا يعير ما بقوم حتى يغيرو اما باانفسهم
50 Ibid 17:2
51 Ibid 7:4
52 Ibid 23:4
53 Ibid 3:5
54 Ibid 3:12
55 Ibid 3:14 ولا تهنوا ولاتحزنو اوانتم الاعلون ان كنتم مومنين
56 Muslim, Vol. V, p. 1996
57 Al-Qur'ān 23:4 وان هذه امتكم امه" واحده
58 Ibid 6:6
59 Bukhārī, p. 126
60 Al-Qur'ān 2:28
61 Abi Dā'ud, p. 978.
62 Al-Qur'ān 23:4
63 Ibid 22:10
64 Ibid 23:1
65 Ibid 58:3

66 Ibid 2:18

67 Ibid 35:5 هو الذی جعلکم خلیئف فی الارض

68 Ibid 38:3 یٰدٰ اوٗد اناجعلنٰک خلیفہ فی الارض

69 Ibid 21:7 ان الارض یرثہا عبادی الصالحون Ibn Kathir says that Allāh bestows on His servants good in the *Akhirat* as well as good (property) in this world-Tafsīr Abn Kathir Part XVII, p. 39.

70 Al-Qur'ān 21:7

71 Ibid 29:6

72 Ibid 23:1 اولئہک ہم الوارثون

73 Ibid 22:6

74 Ibid 2:3

75 Ibid 3:17

76 Ibid 3:11 ولتکن منکم امۃ یدعون الی الخیر و یامرون باالمعروف

77 Muslim, Vol. V, p. 2040 و ینہون عن المنکر - و اولئیک ہم المفلحون

78 Al-Qur'ān 49:2

79 Bukhārī, Vol. 11, p. 130

80 Al-Qur'ān 3:12. Ibn Kathīr states that the meaning of this verse is that the Muslim *Millat* is the *best in the interest* of other *Ummats* as it invites them towards Islām. In other words, it is the *best* of *all Ummats*, for it is the benefactor of the other *Ummats*. Tafsīr Ibn Kathīr, Part IV, p. 12.

81 Al-Qur'ān 3:12

82 Ibid 2:23

83 Ibid 9:9

84 Ibid 3:10

85 Ibid 22:4

86 Ibid 5:13

87 Ibid 2:17

88 Ibid 2:18

89 Ibid 72:1

90 Ibid 8:4

91 Ibid 9:13

92 Ibid 9:3

93 Ibid 9:4

94 Ibid 9:3

95 Muslim, Vol. 11, p. 1376.

96 Bukhārī, p. 105

97 Muslim, Vol. 11, pp. 1381, 1382 and 1386

98 Al-Qur'ān 4:6

99 Ibid 4:1

100 Ibid 6:6

101 Ibid 49:2

102 Ibid 49:2

103 Ibid 2:26

104 Bukhārī, pp. 128, 129
105 Muslim, Vol. 1, p. 45 also NISĀĪ, Vol. 11, p. 315, and Tirmidhī, Vol. 1, p. 259. من حمل علينا السلاح فليس منا
106 Al-Qur'ān 49:2
107 Ibid 4:1
108 Ibid 30:3
109 Ibid 42:3
110 Abi-Dā'ūd, p. 511.
111 Al-Qur'ān 4:1
112 Ibid 4:19
113 Bukhari, p. 201
114 Al-Qur'ān 9:9
115 Ibid 16:13
116 Ibid 17:3
117 Ibid 2:10
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CHAPTER IV

Concept of Mulk

In political terminology, both theoretical and practical, as well as in the scientific treatment of international law, the concept of sovereignty has played a very great part. Yet the term remains obscure and indefinite. There are as many definitions of it as there are authors. Historically, the idea of sovereignty in the West is shrouded in myth. That the will of the state is absolutely sovereign has been the time-honoured view, but recently there has been an attack on state sovereignty.[1] Accordingly, it is alleged that the state is no more entitled to allegiance than any other association on grounds of ethical right or political wisdom. Further, it is said that the absolute concept of sovereignty is incompatible with the organization of an international law. It seems as if political thinkers have been transferring sovereignty (if transferable) from the King to the people, from the people to parliament, from the state to groups and on to international organization. Is there any return to the final repository of political authority?

In the realm of Islāmic political thought, three main theories have been upheld as regards the concept of sovereignty. Firstly, it is said that sovereignty belongs to the Almighty God.[2] Secondly, it is alleged that there is the sovereignty of law in Islām.[3] Thirdly, sovereignty is exercised by the Muslim brotherhood as the custodian of political authority.[4] Besides, the Qur'ānic concept of *Mālik-ul-Mulk*, remains to be elaborated as it goes far beyond the human, social, national, territorial, metaphysical and legal theories

of the sovereignty of the state, depicting the various phases of its origin and development.

Development of the concept of sovereignty

The term sovereignty is derived from the Latin word, "*Superanus*" meaning supreme. The Greek thought, particularly of Plato and Aristotle, is marked by a notion of sovereignty (*Kyvion*)[5], as ultimate control or supreme power. According to Aristotle, the state was the highest of all associations . . . which embraces all the rest." The Roman thinkers likewise believed in the fullness of the power of the state. The idea, however, differed from the modern one. At that time, the church claimed final authority. The authority of feudalism and the belief in the law of God or Nature superior to the human laws made impossible the modern idea of the ultimate and indivisible sovereignty of the state over all citizens. Accordingly, the medieval state could not be internally free owing to the existence of the feudal system and could not be externally independent on account of a general belief in the universal empire. The modern concept of sovereignty developed with the abolition of the feudal system and the growth of nation-states. The sovereign, is, thus, regarded as internally supreme and externally independent. The authority of the sovereign is supreme over all persons and associations within the boundaries of the state; the sovereign is free from the control or interference of other states. It follows that the sovereignty of the state is a unit: "if sovereignty is not absolute, no state exists; if sovereignty is divided more than one state exists."

Austin defined sovereign as a "human superior" and a "determinate superior."[6] Every organized society or state is marked by the presence of a person or a body of persons, whose authority is supreme in the sense that a great majority of the inhabitants habitually obeys his or their orders. In England, it is the British Parliament, which is supreme and sovereign, and the laws made by it are binding on the British people. Such a conception of sovereign is foreign to Muslim polity. The modern conception of sovereignty developed with the abolition of the feudal system and the rise of nation-states. Bodin was the first writer to use the term sovereign

and Grotius developed the ideas of internal and external sovereignty of the state, thus laying the foundation of International Law. Hobbes upheld the absolute power of the monarch; Locke believed in the limited authority of the sovereign and Rousseau propounded the modern concept of an absolute sovereign, calling it the general will of the people.

The modern concept of sovereignty has undergone a great change during recent times. There is a set of writers, variously called as "pluralists," "guild-socialists," syndicalists and "group thinkers," who deny the sovereignty of the state, and hold that the social, industrial and political groups collectively exercise greater influence on the life of the individual than the state. State is an aggregate of these groups rather than of individuals. State sovereignty is, therefore, a fiction.

Human Power—its Characteristics

Sovereignty is the distinguishing mark of the modern political theory. As the theory of modern sovereignty is analysed, a number of special characteristics are discovered. First of all, sovereign power is essentially human, not divine, and pertains to human beings. In the seventeenth century, a philosophical justification of the nature of modern sovereignty was worked out. Hobbes, Bodin and later Austin emphasised the legal basis of state authority. Political authority so discovered by Hobbes and Bodin was absolute as was the characteristic feature of the absolute monarchy in Europe.

Machiavelli has not formally or definitely stated the theory of sovereignty but his writings are marked by an insight into the notions of sovereignty and nation-state. Machiavelli is the first exponent of the theory of "Power politics." And since power is the basic ingredient of sovereignty, Machiavelli has essentially laid the foundation of the concept of sovereignty. This power, in his opinion, appertained to a human ruler as Machiavelli observes that "*he* who obtains sovereignty by the assistance of the nobles maintains himself with more difficulty than *he* who comes to it by the aid of the people."[7] Likewise, the sovereign, in the eye of Hobbes, is human. In the covenant of every man with every man . . . every man

should say to every man, "I authorize and give up my right of governing myself to this Man or to this Assembly of men . . . [8] Locke made the king a part of the governmental machine and Rousseau emphasised that "every man, in giving himself to all, gives himself to nobody."[9] Bodin's sovereign prince is a human being or the people are the real prince.[10] To Austin, a sovereign is a "determinate human superior."[11] The sovereign, according to Montesquieu is the person or persons who wield the power found in the body politic.[12]

The human power as described above is either *absolute or limited*. Bodin defined state as "a legal government of many families and of what is common to them, together with a supreme sovereignty."[13] Sovereignty, according to him, is absolute and perpetual power . . . of commanding in a state . . . without any charges or conditions attached."[14] Sovereignty, in the words of Hobbes, amounts to the existence of "some coercive power to compel men equally to the performance of their covenants."[15] Thus, Hobbes and Bodin championed the cause of absolute monarchy in Europe, while Locke considered the King a part of the governmental machine and believed in a limited monarchy. Bodin's concept of sovereignty as absolute and unlimited "existed only to subserve the ends for which the state existed."[16] Apart from being absolute and unlimited, sovereignty, according to Rousseau is inalienable.[17] Again, according to Bodin, sovereignty is indestructible.[18]

The Western concept of human sovereign and his attributes do not go well with the teachings of Islām. Sovereignty is a human quality and sovereign is a human being according to the accepted principles of the Western polity. Those who believe in the sovereignty of God are mistaken as sovereignty, a human quality, cannot be ascribed to God. The principle of the Omnipotence of Allāh—an essential basis of the political theory in Islām—is, thus, violated.

The Western sovereign enjoys a number of qualities: his power is absolute, inalienable and indestructible. These suppositions are also wrong because the attributes of God—those of permanence, absoluteness and omnipotence cannot be enjoyed by a human sovereign. By associating the human quality of sovereignty to God,

the position of the Almighty God (May God Forbid) is not elevated. And by ascribing some of the Divine qualities to the human sovereign, human dignity cannot be unlawfully enhanced.

Social Phenomenon

Some political philosophers like Aristotle, Rousseau and Hegel believed in the moral basis of state supremacy. According to them, sovereignty is a social phenomenon and is identified with the *people or the majority of the people.*

"If all the communities," said Aristotle, "aim at some good, the state—a political community which is the highest of all, and which embraces all the rest, aims, and in a greater degree than any other, at the highest good." Aristotle further says, "there are two conceptions which are generally held to be characteristic of democracy. One of them is the conception of the sovereignty of the majority; the other is that of liberty of the individuals."[19] The state, accordingly, has a moral end—the highest good. The conception of sovereignty is linked up with the *majority of the people.* Even Machiavelli realized the importance of the people, regarded them more righteous than nobles and a source of greater strength to the ruler. He says "One cannot by fair dealing, and without injury to others, satisfy the nobles but you can satisfy the people, for their object is more righteous than of the nobles, the latter wishing to oppress, whilst the former only desire not to be oppressed."[20] Again he mentions that "he who obtains sovereignty by the assistance of the nobles maintains himself with more difficulty than he who comes to it by the aid of the people."[21]

Rousseau is well-known for the discovery of the community and for the supreme moral end of the state. The creation of sovereign power was a social problem. The fundamental problem of his "social contract" was "to find a form of association which will defend and protect with the whole common force the person and goods of each associate."[22] The solution of the problem, Rousseau found in the ability of the individual to unite into a corporate whole as each of them "puts his person and all his power in common under the supreme direction of the general will."[23] The body politic

so created is the sovereign:[24] the general will so formed is the manifestation of sovereignty.

This idea is also expressed by Montesquieu, who says "the body politic is the united strength of many individuals." The "Sovereign" is the person or persons who wield this power. But this power, according to him, depends in its turn on a real "conjunction of the wills of all those individuals or in the union of various individuals into a body politic."[25]

Bodin regards the people as the "real prince" and the prince as the custodian of this power. "If power be held," says Bodin, "only for a certain time (it does not matter how long a time) it is not sovereign power, and he who holds it for that time is not a sovereign prince but only a trustee or custodian of that power so long as it pleases the real prince (or the people) not to revoke it."[26] Allen concludes by saying that Bodin believes that "Sovereignty belongs rather to the state itself than to the sovereign."[27] "Sovereignty was to him of man's creation; it arose from the nature of man and of human needs and aspirations."[28]

Hegel believed in the supremacy of the state and the moral basis of its authority. The social nature of state authority is manifested by its overall control and guidance of individuals and their associations. Freedom is realized through the organization of the state and "in duty the individual finds his liberation."[29]

No doubt, the phenomenon of human power or sovereignty is social phenomenon. Islām has laid a great stress on the social organization of human beings but has not given absolute power to them. The whole humanity has been regarded by Islām as socially one—one *Ummat*. The community of the believers—the Muslim *Millat*—is a social brotherhood charged with the duty of enforcing good and forbidding wrong and *Kh̲ilāfat*, the political organization of the Muslim *Millat*, possessing the delegated authority from Allāh, as a trust, is required to realize the ideal of the unity of mankind. Political authority instead of being residing in society or people or majority of them resides in the brotherhood of Islām, which, in pursuance of the trust reposed in the Muslim *Millat*, is creative of social order and moral advancement.

Territorial Basis

The emergence of the theory of modern sovereignty is connected with the rise of nation-states. The concept of a sovereign people developed with the organization of a democratic state on the national and therefore territorial basis. The state became a national organization of a sovereign people occupying a definite territory. It was within the territorial limits of a state, whether democratic or otherwise, that the concept of sovereignty developed. Sovereignty belongs to the nation and a nation has a definite territory in its possession without which no government can be formed, demanding allegiance from the bulk of a given society. The whole theory of modern sovereignty is dependent upon the concept of nation-state, which in turn implies a territorial basis of its organization. Sovereignty has, therefore, *a territorial basis*.

As related earlier, the concept of human sovereign is not found in Islām. The Omnipotence of Allāh as distinguished from the sovereignty of state, has a complete sway over the entire universe, the whole humanity and all organization in nature and cannot be limited to a particular territory or country. But the political organization of the Muslim world will have, as a passing phase, a territorial reference, so long as the whole world does not realize the ideal of a "single community of men" as preached by Islām.

Contractual Origin

According to the Contractualists—Hobbes, Locke and Rousseau, sovereignty had its origin in the popular contract or social compact. Hobbes believed in sovereignty by institution. The chief characteristics of the contract, according to him, are the "mutual transference" of rights[30] and "mutual acceptance."[31] Yet, the third requirement was "some coercive power to compel men equally to the performance of their covenants."[32] The observance of covenants itself constitutes justice which is a rule of reason forbidding men to do anything destructive to the law of nature and therefore to life and security.[33] Hobbes held that "Covenants, without the swords are but words and of no strength, to serve a man at all. The bonds of words are too weak to bridle a man's ambition, avarice, anger and other passions

without the fear of some coercive power." "Human reason guides toward mutual amity and goodwill but avarice undoes it." Hobbes, thus, resorts to the device of a contract between individuals by which all resign their rights or power and submit themselves to a coercive authority, the sovereign. Sovereignty, according to Hobbes, is the soul of the Commonwealth and the end of obedience on the parts of individuals is protection.[34]

Locke held that society and government are the two special agencies through which life, liberty and property can be well-protected. According to him, there is a two fold contract by which authority or sovereignty is established, by "the original compact," men "incorporate" themselves into one society, by the other a government is established.

Likewise, the problem before Rousseau was to find out a form of association by which the person and good of each individual could be effectively protected. The authority so needed was created, when each individual puts "his person and all his power under the supreme direction of the general will" and in their corporate capacities, they received "each member as an indivisible part of the whole."[35]

Muslim writers and scholars have advocated many theories regarding the concept of sovereignty in Islām. A set of these thinkers believes that sovereignty belongs to God. It is claimed by others that the social contract writers—Hobbes, Locke and Rousseau—have derived their theory from the early practice of government in Islām based on contract. It is further contended that Islām is an organized life conceived as a contractual organism long before Rousseau thought of it. On a further examination, it will be seen that all these theories are founded on wrong presumptions. In the first place, the concepts of sovereignty and sovereign are specific Western terms and have to be understood by their specific meaning and connotation as are assigned to them. The definitions and implications of these terms cannot be changed while they are applied to the evolution of political philosophy in Islām.

The social contract writers, on their part, clearly state that sovereignty is the product of the social contract or compact. If it is

believed that sovereignty belongs to God, it may accordingly be presumed (May God Forbid) that there was a contract concluded between God and human beings. All the social contract writers disclaim any such contract between God and men.

"To make covenant with God," says Hobbes, "is impossible, but by mediation of such as God speaketh to, either by Revelation supernatural or by his Lieutenants that govern under Him or in His name." "And therefore to promise that which is known to be impossible is no contract."[36] Again, this question of contract on donation of authority from God does not arise in the words of Locke, who says, "Adam had not, either by natural right of fatherhood or by positive donation from God, any such authority over his children or dominion over the world as is pretended."[37] And Rousseau ironically concludes, "there can be no doubt that Adam was sovereign of the world as Robinson Crusoe was of his island as long as he was its own inhabitant; and his empire had the advantage that the monarch, safe on his throne, had no rebellions, war or conspirators to fear."[38]

The above quotations from the social contact writers also prove that they did not believe in the Islāmic principle of the Divine delegation of authority—*Khilāfat*. As such, it cannot be established that the Contractualists have borrowed the Islāmic principles of the institution of authority while formulating their own theory of the social contract. Further, the Islāmic technique associated with the terms of *'ahd mīthāq* and *bai't* do not imply any terms of the social contract as is propounded by these theorists. The *Khalīfah* in Islām was chosen by the few competent persons and the people as a whole offered *bai't* to him, signifying thereby a mutual resolution on the part of both the ruler and the ruled to abide by the provisions of the *Sharīa't*. Accordingly, the political system of Islām does not represent a contractual organism whereby political ruler could be established or allegiance bestowed upon him by the people, as a result of a social contract or compact. The social contract writers therefore neither believe in a contract with God nor in the delegation of authority, nor in the selection of the ruler by a few, nor in the observance of Divine Law as a condition of the contract.

Divine Nature

The principle of the Paramountcy of God was generally recognised in the medieval European political theory. Both Hobbes and Bodin believed in God as a paramount power and placed the mortal god (*i.e.*, the ruler) under the Immortal God. The wordly organization was regarded subject to the suzerainty of God, Divine Law and the Law of Nature. Yet sovereignty was essentially a human attribute and a human creation. The theory of the Divine Right of kings also emphasised the same ideas. Allen, while discussing Bodin's political theory, says that the latter "believed in the Divine Right of Kings only in the sense in which almost every one of his time believed in it. God created all things but sovereignty and sovereign were, to Bodin, created by no special act of God. Sovereignty was to him of man's creation: it arose from the nature of man and of human needs and aspirations."[39]

The medieval tradition was to regard the sovereign subject to God's moral order. Bodin regarded God as the Sovereign Lord, a father, a true image of God and "husband's commands over wife only valid if not contrary to Divine Law."[40]

The power that Bodin assigned to the Prince was absolute "without any charges or conditions attached except, of course, those set by the law of God or nature."[41] "Since there is nothing on earth greater than a sovereign prince, save God alone and since sovereigns are established by God as His Lieutenants to rule over men, we must take care that their majesty be reverenced and respected and that they be always spoken of with honour."[42] Bodin, thus, propounded the doctrine of state sovereignty which implied that the sovereign must be independent of outside control and himself the supreme law giver: the people have no right of resistance against his authority. As the Vicar of God on earth and subject to Divine Law, the sovereign was answerable to God.

Grotius did not believe in a religious sanction. To him "the law of nature is a dictate of right reason, which points out that an act, according as it is or is not in confirmity with rational nature, has in it a quality of moral baseness or moral necessity, and that, in consequence, such an act is either forbidden or enjoined by the

author of nature, God.'[43]

Believing in the paramountcy of God, Hobbes characterised his great Leviathan as the Mortal God under the Immortal God. But society and sovereignty went hand in hand; no society is possible without a sovereign. Hobbes did not regard the Church as the Kingdom of God nor its authority apart from the state. The hand of the Church is the Sovereign himself. All religious teachings, according to Hobbes, have to be authorised by the Sovereign. Locke also believed in the paramountcy of God and says "all power comes from God. I admit but so does all sickness: does this mean that we are forbidden to call in the doctor."[44] As sickness is to be treated by a physician—a human being, Locke was of the view that problems of political organization are to be settled by human efforts. Likewise, according to Rousseau, authority has a social origin and based on social convention. "Since no man has a natural authority over his fellow," remarked Rousseau, "and force creates no right we must conclude that conventions form the basis of all legitimate authority among men."[45]

The idea of the paramountcy of God as described above presupposes the existence of higher or superior and lower or inferior authorities. The theory denotes a belief in the higher authority of God and the sovereign, a lower authority, under the higher authority. This amounts to *Shirk* in Islām, because with the power of God is associated the power of the sovereign. The Islāmic principle of the Omnipotence of Allāh comes in conflict with the idea of the Paramountcy of God.

The Holy Qur'ān declared the doctrine of *Shirk* in the clearest words in four short sentences. "Say, He, God, is One; God is He on whom all depend: He begets not, nor is He begotten: and none is like Him."[46] Four kinds of polytheism—belief in the plurality of gods, other things possessing perfect attributes of the Divine Being, belief in one related to God as father and son and belief in other's capacity to do what the Divine Being can do—are thus negatived. *Shirk* is condemned because of its demoralising effects on men and Divine Unity is to be maintained in order to serve the moral elevation of man.

The political theory of Islām believes in the Omnipotence of Allāh and in the delegation of authority to the *Khalifah* as a trust. The question of Paramountcy of power is, therefore, derogatory to the Islāmic principle of political organization.

Metaphysical Concept

Hegel gave a philosophical and metaphysical concept of the state, which, according to him, is a perfected rationality. The state was identified with society and the question of right or liberty could only arise within the state. "The state" wrote Hegel, is the Divine Idea as it exists on earth." "It is the advance of God in the world." "It is the conscious manifestation of spirit in the world." The whole idea emphasises the direct participation of God in the worldly organization of the state. The state was in fact God Himself.[47]

Islām on its part, does not make a distinction between the temporal and spiritual concepts. The wordly and other-worldly matters, the secular and religious organizations and the ethical and legal considerations are also interrelated into one organic whole. The distinguishing feature of the Islāmic organization is that the political system is the product of human endeavour and is animated by Divine guidance. This system is not considered to embody "a march of God on earth" or a "direct participation of God in wordly affairs." Human beings have been created responsible beings and as representatives of God and it is their duty to organize the affairs of this world. The political structure so formulated has to take care of the individual in his individual and corporate life in securing him *Khair* in this world as well as in the next. Thus, *Khilāfat* as a political organization is concerned with both the worlds. The political authority enjoyed by the Muslim community as a trust is never absolute or immune from responsibility.

Legal Interpretation

Austin is a representative author of the legal interpretation of the theory of sovereignty. According to him, the state sovereignty is absolute. His theory of sovereignty is developed out of a definition of law, which Austin regards as the "command given by a superior

to an inferior." The sovereign has been defined as follows: "If a determinate human superior not in the habit of obedience to a like superior, receive habitual obedience from the bulk of a given society, that determinate superior is sovereign in the society and the society (including the superior) is a society political and independent."[48] Thus, Austin's theory is a lawyer's view of sovereignty. The main features of the theory are (1) command is the essence of law (2) whatever the sovereign wills or commands is law (3) the sovereign is a determinate human superior, himself subject to no other authority (4) he receives habitual obedience from the bulk of a given society and his power is absolute and indivisible.

Sir Henry Maine criticised the legal theory of sovereignty and emphasized the existence of a "vast mass of influences of morals, customs and conventions, which effectively shape, hinder or forbid the actual use of power by the sovereign." In fact, the theory of legal sovereignty is not a doctrine of physically, rationally or socially unlimited power. Austin himself spoke of "principles of maxims, which the sovereign habitually observes" because of the "regard which is entertained for those principles of maxims by the bulk of most influential part of the community or because of the sovereign's perception of utility or from a belief of their conformity to the Divine Will."[49]

In actual practice, the legal theory of sovereignty resulted in the establishment of parliamentary sovereignty. In the words of Dicey, "the king in Parliament" became the legal sovereign.

Comparing the Western concept of legal sovereignty with the Islāmic principle of the supremacy of the *Sharī'at*, it may be asserted that there is a world of difference between them. It is rightly admitted that *Sharī'at* lies at the basis of the whole organization in Islām—social, political, economic and moral. Political organization has its origin in *Sharī'at*. It is the duty of the political organization to enforce the *Sharī'at* and it is the *Sharī'at* which gives stability to the political system. However, the question of *Sharī'at* being sovereign as stated by some of the Muslim scholars, is misleading. Believing in the supremacy of the *Shari'at* does not mean the "sovereignty of the *Sharī'at*." *Sharī'at* has a reference to the Divine Revelation of which it is the product; it signifies the Will of the Almighty God.

We have already tried to prove that the concept of state sovereignty conflicts with the principle of the Omnipotence of Allāh. Since law is product of authority and itself not sovereign, *Sharī'at* taken as the fundamental principle of Divine law cannot be termed sovereign. However, the *Sharī'at* of Islām, the path of virtue or the Divine Code of ethical and social laws is supreme: and politically the *Amir*, the Khalīfah and even the Prophet were never regarded immune or absolute.

Monistic View

Political thinkers have usually upheld the ideal of absolute and supreme state. The State has, thus a prior claim on the individual's loyalty; loyalty to individual conscience or group comes next. All the groups within the State have a reality owing to its sovereignty; "they are one with it and of it one and indivisible." This is essential, otherwise a "plurality of reals" may exist, which may destroy the unity of the State. The monistic view, therefore is "we represent a State as a vast series of concentric circles, each one enveloping the other, as we move from individual to family from family to village, from village to city, to country, thence to the all-embracing state." "Our fellowship," wrote Maitland, is no fiction, no symbol, no piece of the State's machinery, but a living organism and a real person, with body and members and will of its own." "Therefore, all orders consist in the subordination of plurality to Unity, and never and nowhere can a purpose that is common to Many be effectual unless the one rules over the Many and directs the Many to the goal." Professor Laski explaining the monistic theory, said, "What the Absolute is to metaphysics, that is the state to political theory." The essence of the state, "says Herman Finer, is its monopoly of coercive power.

The problem that faces the modern thinker, is the location of sovereignty. Does it reside in the legislature or the executive or the judiciary or the electorate or the people or a sum-total of these or some of them? In the days of pure democracy, the legal and political aspects of sovereignty coincided. In these days of indirect democracy, the legislature is the legal sovereign; the electorate, the

political sovereign and the general mass of people represents the popular sovereign. As a matter of fact, sovereignty is an attribute, a quality; hence it cannot be divided. There are no separate sovereigns, but they are different channels through which the supreme power is exercised. The problem still remains where does sovereignty reside? It is concluded that it resides in the sum total of all lawmaking bodies of the government. It is still vague and indefinite. However, the problem of the location of sovereignty has given rise to the pluralist conception of sovereignty.

Pluralistic Conception

During recent times, there has been an attack on the absolutist doctrine of the State. It has been contended that there are other essential associations at par with the State; and man's social nature finds expression in these numerous groupings, pursuing numerous ends—religious, social, economic, vocational and political. Most pluralists leave out the absolutist doctrines of Hegel, Kant and Bosanquet, but take as their main objective the doctrine of legal sovereignty. "The real rulers of a society," said John Chipman Gray, "are undiscoverable." "The monistic theory of the State," according to Laski, "runs counter to some of the deepest convictions we possess." The state like all other associations can justify its existence by what it achieves. Laski has profoundly explained the pluralistic view in the following words. "It is from the selection of variations, not from the preservation of uniformities, that progress is born. We do not want to make our state a cattle yard in which only the shepherd shall know one beast from another. Rather we may hope to bring from the souls of men and women their richest fruition. If they have intelligence we shall ask its application to our problems. If they have courage we shall ask the aid of its compelling will. We shall make the basis of our State consent to disagreement. Therein shall we ensure its deepest harmony."

The pluralists discredit the notion of the absolute sovereignty of the State and argue that a general distribution of social authority is bound to secure the economic, moral and intellectual well-being of man and society. For a general devolution of authority, the pluralists advocate a complete surrender of the "whole conception of

sovereignty," particularly the unreal conception of legal sovereignty. "If we look at the facts," said A. D. Lindsay, "it is clear enough that the theory of the sovereign state has broken down." "No political common place has become more arid, unfruitful than the doctrine of the Sovereign State." And Harold Laski argues that "it is impossible to make the legal theory of sovereignty valid for political philosophy," and that "it would be of lasting benefit to political science if the whole conception of sovereignty were surrendered."[50] Likewise, Krabbe said, the notion of sovereignty must be expunged from political theory.

Laski has summarized the pluralist doctrine in the following words: (1) That a purely legal theory of the state can never form the basis of an adequate philosophy of the state; (2) that the state is, in fact, no more entitled to allegiance than any other association on grounds of ethical right or political wisdom; and (3) that its sovereignty is, at bottom, a concept of power made valid by the use of coercion, which in itself, is morally neutral.[51]

Laski then concludes that "however majestic and powerful, the state in fact was only one of many associations in society."[52] That state, though inevitable, can, however, have no ethical superiority. "The state" in the words of Laski, "is, in some form or another, an inevitable organization . . . But to admit that it is inevitable is not to admit that it is entitled to moral pre-eminence of any kind."[53] The theory of the sovereign state is externally dangerous and internally corrupt. "The notion of an independent sovereign state, is, on the international side, fatal to the well-being of humanity."[54] And internally, "power has the habit of corrupting even the noblest of those who exercise it; and it follows that to leave to the state the final control of all other wills in the community is, in fact, to leave to a small number of men an authority it is difficult not to abuse."[55] "Those who talk of state absolutism," A. E. Zimmern said, "are ignoring the simple truth that there is no tyranny like the tyranny of near neighbours. The smaller the group, the higher the strength held over your life and activities." Laski concluded by criticising the theory that "the pluralist attitude to the state and law was a stage on the road to an acceptance of the Marxian attitude," *i.e.*, the withering of the state and the establishment of a classless society.

Sovereignty of the State is today defined with reference to its sole subjection to international law. The concept of sovereignty has a definite function in international law. It determines the status of states as subjects of international law and constitutes the source of a series of rights for the States. It is, in fact, the quality of the State, *i.e.*, its sovereignty, which qualifies the State to be a subject of international law. From sovereignty arise a number of rights for the State—'self-government,' 'capacity for action' and 'liberty of conduct'—all limited under international law.

Ross has remarkably pointed out that if it is assumed that the sovereign will of the State voluntarily submits to international law, then there is no obligation; and when there is no real obligation, there is no international law. Hobbes, Pufendorf, Austin and his followers did not regard international law as binding. Oppenheim defined law as a 'body' of rules for human conduct within a community, which by common consent of this community shall be enforced by external power. In this sense, international law may be regarded as law. Sovereignty of the State, therefore, can be defined with reference to its subjection to international law—the modern view of the concept of sovereignty.

The Pluralists being disgusted with the absolute authority of the State, advocate that the whole conception of State Sovereignty should be dropped. The question, however, arises that since the state would in any case have authority, will that authority be absolute or limited? The Pluralists' view is definite that the State does not possess absolute authority. The Monists are charged with the error of regarding all nonpolitical associations created by the State as dependent upon its will, while in their particular spheres they act independent of state control. Therefore, besides a national sovereign, there should be particular sovereigns; the special interest of some group is more important than the remoter interest of the nation. The state, thus, has no right to the allegiance of an individual in "so far as his conscience gives assent." There should be decentralised application of social control.

While the Pluralists do not regard the power of the State as absolute, most of the Monists, as explained above, have subjected

the authority of the State to Divine law and the laws of nature; the authority of the State can, therefore, be only limited or implied. Austin's theory of legal sovereignty was essentially a formal analysis of the concept of delegated authority. Authority, according to Austin, is vested "in determinate persons" set apart to rule others and endowed for that purpose with power.

Islāmic Society God-Conscious

The Islāmic political organization being extraordinarily God-conscious is permeated by a control exercised by the *Dīn*, which extends to every sphere of human conduct. Allāh is everywhere and a Musalmān is never permitted to lose sight of his faith. The hand of Allāh is working everywhere and Divine Judgement is near at hand. Greatest stress is, therefore, laid on the Unity of the Divine Being, in the Holy Qur'ān. It is with this declaration of the Unity of God with which the Holy Book opens and ends. The doctrine is the original basis of all religions and forms the universal teaching of all the Prophets, each one of whom, according to the Qur'ān, preached, "Worship Allāh, you have no God other than Him"[56] "You shall not serve any but Allāh"[57] "And We did not send before thee any apostle, but We revealed to him that there is no god but Me, therefore serve me."[58] The doctrine was soon mixed up with polytheism, to which the Qur'ān refers in the following words: "And corruption arose in land and sea."[59] The Qur'ān again leads people to the original and pure teaching and restores the doctrine of the Divine Unity to its basic meaning. "It (Qur'ān) is a reminder to the peoples."[60] "Say O followers of the Book! come to an equitable proposition between us and you that we shall not serve any save Allāh and that we shall not associate aught with Him and that some of us shall not take others for lords besides Allāh."[61] "Surely, Allah does not forgive that any thing should be associated with Him, and forgives what is besides that to whomsoever He pleases: and whoever associates anything with Allāh, he fabricates indeed a great sin."[62] "And whosoever taketh Satan for a patron, instead of Allāh, shall surely suffer a manifest loss."[63] "Worship Allāh alone and do not associate with Him anything."[64] No one can aspire to attain

Godhood and like the Pharoah of Egypt declare to his people, "I am your *Rabb* (Lord)". The origin of all mischief in the land is due to an attempt to impose the godhood of man over man. The doctrine of the Divine Unity does not merely remain a religious dogma, but is taught as a principle of action, and forms the basis of human advancement. It is not only the conviction of the truth but the acceptance of a proposition as a basis for action. "Those who believe and do good" means that no belief is acceptable unless it is carried into practice. "O you who believe! be careful of your duty to Allāh and believe in His Apostle."[65] Hence, modern European writers are wrong to think that "primary importance was attached to faith while a second consideration was to be paid to conduct." Likewise, Levy is wrong in saying that "a man does not cease to be a true believer if he refrains from carrying out the duties".[66]

A Corollary

It is obvious that the supreme power appertains to Allāh and that no individual, no *Amīr* and not even the whole *Millat* can lay claim to the so-called "Sovereignty of the State". The doctrine of the Divine Unity implies an explicit faith in the Almighty and consequent performance of duties, which are divinely imposed on the believers. Faith in the Omnipotence of God and belief in the sovereignty of the state are irreconcilable. It is said that an important feature that distinguishes the state from other organizations is its sovereignty. In a literal sense, sovereignty signifies supreme power or the will of the state—an "original, absolute, unlimited, universal power over the individual subjects and all associations of subjects". If we consider the doctrine of the Divine unity and the consequent attribute of His Omnipotence, the Islāmic Political Organization cannot remain sovereign in the modern sense.

Omnipotence of Allāh Contradicts State Sovereignty

Allāh is all powerful and knowing. "No one in the heavens and the earth knows the unseen save Allāh."[67] "And His is whosover is in the heavens and the earth: all are obedient to Him."[68] "Allāh is the Lord of the heavens and the earth and what is be-

tween them"[69] "*And His is the most exalted* dominion in the heavens and the earth."[70] Surely Allāh is Strong, Mighty."[71] "*He is Allāh besides Whom there is no God; the King, the Holy, the Author of peace, the Granter of security, Guardian over all, the Mighty, the Supreme, the Possessor of every greatness.*"[72] "Allāh is He besides Whom there is no god, the everlasting, the self-subsisting by Whom all subsist; slumber does not overtake Him nor sleep; whatever is in the heavens and whatever is in the earth is His, who is he that can intercede with Him but by His permission? He knows what is before them and what is behind them, and they cannot comprehend anything out of His knowledge except what He pleases: His knowledge extends over the heavens and the earth, the preservation of both tires Him not, and He is the most High, the Great".[73] "For those, who do not believe in the hereafter is an evil attribute and Allāh is the loftiest attribute; and He is the Mighty, the Wise".[74] "He cannot be questioned concerning what He does and they shall be questioned."[75] "Everything is perishable save He."[76] He is the "Knower of the unseen and the seen".[77] "Nothing is like a likeness of Him."[78] "The knowledge is only with Allāh."[79] "And there will endure forever the person of your Lord, the Lord of glory and honour."[80] "Allāh is cognizant of all things."[81]

Authority of the Creator

"Sovereignty of the state" becomes an impossibility particularly when we realize that in Islām all authority emanates from Allāh, Who is the creator of all things. "Allāh creates what He pleases: when He has decreed a matter, He only says to it, be and it becomes."[82] "Verily thy Lord is the Doer of whatsoever He intendeth."[83] "Allāh is He, who raised the heavens without any pillars that you see, and He is firm in power, and He made the sun and the moon subservient (to you)."[84] "And He it is, Who spread the earth and made in it firm mountains and rivers."[85] "Allāh did not create the heavens and the earth and what is between them two save with a purpose."[86] Allāh is the creator of everything and He has charge over everything.[87]

Poltical Authority—Not an Independent Idea

The idea of *Mulk* in Islām cannot be studied apart from its metaphysical background. According to the Islāmic belief, no power can be exercised independently and without any responsibility. Believing in the absolute power of Allāh, the political organization cannot remain absolute. Nor can it exercise unrestricted power. The power of Allāh is alone universal. "Thou makest the night to pass into the day and Thou makest the day to pass into night and Thou bringest forth the living from the dead and Thou bringest forth the dead from the living and Thou givest sustenance Thou pleasest without measure."[88] "And whatever is in the heavens and whatever is in the earth is Allāh's and Allāh encompasses all things."[89] "And on the day, when the heaven shall burst asunder with the clouds, and the angels shall be sent down a sending: the Dominion on that day shall rightly belong to the Beneficent God, and a hard day shall be for the unbelievers."[90] "Whatever is in the heavens and the earth is His: all are obedient to Him"[91] "His are the Keys of the heavens and the earth."[92] "He is the Lord of worlds."[93] "The East and West only belong to Allāh."[94] "And Allāh will relent toward whomsoever He likes."[95]

Mālik-ul-Mulk

The idea of *Mulk* in Islām is one of the most prominent factors of Islāmic political theory. Allāh has been variously termed in the Qur'ān as *Mālik-ul-Mulk*, *Mālik*, *Malik* and *Rabb*; and His power as *Mulk*. Islām does not believe in the sovereignty of Kings, parliaments, political forces and the people, and therefore does not recognize the distinction between the *Titular* and *Actual*; *Defacto* and *De jure*; legal, political and popular sovereigns. Kingship as an institution has never been recognized in Islām and therefore, the question of a Titular head of government or a constitutional monarch does not arise. Nor does Islām give absolute powers to rulers to entitle them as actual sovereigns. Islām being a legal system would not permit force but free consent in the selection of the head of government. The distinction between *De facto* and *De jure* rulers, thus, goes away. That alone is legal, which is in consonance with the

letter and spirit of the Islāmic *Shar'īat*. Allāh is not only the Creator and an object of worship but also the law giver. Supreme law-making power cannot, therefore, be given to parliaments, nor can the supreme control of governmental affairs be vested in political parties or the people as a whole. All elements constituting the Muslim government are subject to the command of Allāh.

The difficulty found in the various uses of sovereignty can be removed, if we believe in one supreme Ruler. "And Allāh's is the Kingdom of the heavens and the earth and Allāh has power over all things."[96] "And Allāh's is the Dominion of the heavens and the earth and what is between them and to Him is the eternal coming."[97] "His is the Kingdom of the heavens and the earth."[98] "And He is the Supreme, above His servants, and He sends keepers over you until when death comes to one of you, Our messengers cause him to die, and they fail not"[99] "Surely Allāh's is the Dominion of the heavens and the earth: He brings to life and causes to die; and there is not for you besides Allāh any Protector or Helper."[100] "(All) praise is to Allāh, Who has not taken a son. Hallowed be He whensoever He decreeth an affair He only said to it: be, and it becomes."[101] "Supremely exalted is, therefore, Allāh, the True King."[102] "If there had been in them (heavens and earth) any gods except Allāh, they would both have certainly been in a state of disorder; therefore, glory be to Allāh, the Lord of the dominion, above what they attribute (to Him)".[103] "So exalted be Allāh, the true King."[104] "He is (Allāh,) your Lord, His is the Dominion"[105] —"One, the Subduer of all."[106] "Do you not know that Allāh's is the Kingdom of the heavens and the earth, and that besides Allāh you have no guardian or helper."[107] "Say I seek refuge in the *Lord of men, the king of men, the God of men*."[108]

Attributes of the Divine Being

Sovereignty in the modern sense has a number of attributes or characteristics. In the first place, it is said that it is exclusive. It is universal or all-comprehensive. It is permanent, for the quality of the state or sovereignty does not die with the change of government. The sovereignty of the state cannot be alienated or transferred. It is

imprescriptible, for it cannot be lost by a mere non-use or lapse of time. And lastly it is indivisible.

Leaving aside the theory of state and its attributes of sovereignty, let us consider the attributes of the Supreme Deity as the Real Ruler. The Holy Qur'ān speaks of God as seeing, hearing, speaking, making, showing mercy or indignation, loving and being affectionate. Let there arise no misconception as He is plainly stated to be above all material conceptions: "Vision comprehends Him not, and He comprehends all."[109] "He is above the limitations of metaphor: "Nothing is like a likeness of Him."[110]

The Prophet taught that there is no god but Allāh, and He alone has reality. The proper name of the Divine Being is Allāh, although He is referred to in the Qur'ān by a number of other names, each signifying one of His attributes but Allāh comprises all such attributes. The name "Allāh" occurs 2,799 times in the Qur'ān and being a proper name cannot be translated.

The first important attribute is *Rabb* (Lord) meaning that which fosters a thing in a manner that it may realize itself. Hence, *Rabb* is not only the Lord who gives sustenance but endows human beings with capacity to attain to the goal of perfection, of course, by evolution.

Next attributes mentioned are *Raḥmān* and *Raḥīm* (Benificent and Merciful). The two words denote two different states of the exercise of mercy by God: He is *Raḥmān* who creates everything, which makes life possible on earth: He is *Raḥīm* when He gives reward for human labour. There is no limit to the vastness of the Divine mercy: "Your Lord has ordained mercy on Himself."[111] "O mankind! now there hath come unto you an exhortation from your Lord and a healing for that which is in your breasts and a guidance and a mercy for the believers."[112] "In the grace of God and in His mercy they shall rejoice."[113] "O my servants! who have acted extravagantly against their own souls, do not despair of the mercy of Allāh for Allāh forgives the sins altogether".[114] So great is the Divine Mercy that it encompasses the believer and the unbeliever alike.

The third attribute of Allāh is *Ghafūr* (forgiving): forgiveness is

against the punishment of sin. He is spoken of as the "Forgiver of sins, the Acceptor of repentance."[115] "Elsewhere, He is styled as the Lord of forgiveness,"[116] meaning thereby that He may forgive, even when one is not worthy of being forgiven.

The fourth attribute is *Mālik* or Master. He is the Master of the Kingdoms of the heavens and the earth and of the "day of requital".

The off shoots of these four essential attributes are many: *al Wāḥīd* (the one); *al-Ḥayy* (ever-living); *al Qayyūm* (the self-subsisting); *al Ghanī* (the self-sufficient); *al Awwal* (the First); *al Ākhar* (the Last); *al Quddūs* (the Holy); *al Ṣamad* (on whom all depend and He depends on none) and *al-Ḥaq* (the True). In relation to the acts of creation, He is styled as *al-Khāliq* (Creator); *al Bārī* (maker of soul); *al-Muṣawwir* (Fashioner of shapes) and *al-Badī* (wonderful originator). In relation to love and mercy He is known as *ar-Ra'ūf* (affectionate) *al-Wadūd* (Loving, Kind); *al-laṭīf* (the Benignant); *al-Ḥalīm* (the Forbearing); *al-Afuww* (the pardoner); *al-Shakūr* (Multiplier of rewards); *al-Jabbār* (Restorer of loss); *al-Wahāb* (the Great Giver) and *al-Razzāq* (the Bestower of sustenance). In relation to His Glory, Power and Greatness, He is named as *al-'Azīm* (the Great); *al-'Azīz* (the Mighty); *al-Qādīr* (the Powerful); *al-Qawiyy* (the Strong); *al-Qahhār* (the Supreme) and *al-Mutakabbir* (Possessor of every greantess). In relation to His knowledge, He is called *al-'Alīm* (the knowing); *al-Ḥakīm* (the Wise); *al-Samī'* (the Hearing); *al-Khabīr* (the Aware); *al-Baṣīr* (the Seeing) and *al-Shāhid* (Witness). With reference to the control of things, He is referred to as *al-Wakīl* (Chief Controller); *al-ḥyy* (the Guardian); *al-Ḥafīẓ* (Keeper); *al-Mālik* (the King, the Master); *al-Fattāḥ* (Greatest judge); *al-Ḥabīb* (one who takes accounts) and *al-Muqīt* (Controller of all things).

The Divine Trust

It has already been pointed out that according to the Islāmic polity, Khilāfat is the political organization of the community of faith, known as *Millat*, and the authority thus derived is limited by the Divine law. All our difficulties regarding the location of sovereignty will disappear, if we only believe in the Omnipotence of

the Divine Being. Khilāfat is to . . . run according to the Will of the Divine Being, the *Sharī'at*. Allāh alone is the real owner of *Mulk* or Dominion. He bestows power or rulership on whom He likes and deprives others likewise. "Say: O Allāh, Master of the Kingdom! Thou givest the rulership to whomsoever Thou pleases and takes away the rulership from whomsoever Thou pleases and Thou exaltest whom Thou pleases and abasest whom Thou pleases; in Thine hand is the good; surely, Thou hast power over all things."[117] "And Allāh grants His dominion to whom He pleases and Allāh is ample-giving, knowing,"[118] "If He pleasest He may take you off, and make whom He pleases *successors* after you."[119] Whatever Allāh grants to men of (His) mercy, there is none to withhold it, and what He withholds there is none to send it forth after that, and He is the Mighty, the wise."[120] "And He has made subservient to you whatsoever is in the heavens and whatsoever is in the earth, all, for Himself; most surely there are signs in this for a people who reflect."[121] "And Allāh's is the Kingdom of the heavens and the earth: He forgives whom He pleases and chastises—whom He pleases, and Allāh is forgiving, Merciful."[122]

The political organization of Islām is the Khilāfat of Allāh: His Dominion extends over the entire universe, the whole of humanity and all organization. The secular states are limited to a definite territory, particular people, a separate government and territorial unity. All the universes, heaven and earth, the visible and invisible, animate and inaminate objects are all under the Dominion of Allāh. He is the Lord of all peoples, believers or unbelievers, Muslims or non-Muslims. From the Unity of God, there springs the doctrine of the unity of human race. All men are alike. Man is freed from the slavery of man. One God has its parallel in one humanity. "All people are but a single group."[123] Allāh is the Lord, the Sustainer and the Nourisher of all the peoples and all the worlds. "And our God and your God is one."[124] "The God of the Qur'ān is the Lord of all the worlds."[125]

"Allāh bestows power on His virtuous devotees." He has made man His *Khalīfah* or Vicegerent or Deputy on the earth. "Surely, the land is Allāh's. He causes such of his servants to *inherit* it as He

pleases and the end is for those who guard (against evil)."[126] "Surely, the promise of Allāh is true."[127] "And who despaires of the mercy of His Lord but the earring ones."[128] Allāh said regarding Ādam, "I am going to appoint my *Khalīfah* on the earth."[129] "O Dā'ūd, We have appointed you our *Khalīfah* on the earth."[130]

The Musalmāns may entrust their *Khilāfat* to a single individual and may select the best person from among them as their *Amīr*—the one who is most virtuous and God-fearing, and assign to him full powers to discharge the functions of government. Thus, the Muslim *Millat* is granted authority, to confer political power on any bonafide Muslim. "And Certainly I am going to make thee an *Imām* unto mankind."[131] The political power thus enjoyed by the Muslim *Millat* emanates from Allāh and is to be exercised as *amānat* or trust. It is the duty of the *Khalīfah* to establish a human organization, to submit to and carry on the government according to the Divine law. Consequently, the *Khalīfah* is not styled as Emperor, Dictator or President. The Islāmic Political Organization stands for two fold purposes—spiritual advancement of humanity on the one hand, and political, cultural and economic well-being of mankind, on the other. Thus, *Khilāfat* is a Trust, the *Khalīfah* is a Trustee and the spiritual expansion of humanity is the end towards which the activities of government are to be directed. And it is the duty of the *Khalīfah* not to betray his trust. "O believers! be not unfaithful to your covenants."[132] "And He it is Who has made you *Khalīfah* in the land and raised some of you above others by (various) grades, that He might try you by what He has given you."[133] For administrative purposes, the *Khalīfah* is made the head of the Muslim *Millat:* he is, on the one hand, responsible to Allāh, and on the other, to the Muslims, who delegated their *Khilāfat* to him and whose trustee he is.

The corresponding duty attached to the right of *Khilāfat* is submission to the Will of Allāh on the part of both the *Khalīfah* and the Muslim *Millat*. "Do not take idols for god! Surely, I see... your people in manifest error."[134] "All praise is due to Allāh, the Lord of the worlds,"[135] 'Serve none but Allāh"[136] "Say,

I seek refuge in the Lord of men, the King of men, the God of men."[137]

Not only that a Muslim is required to live according to the law of Allāh but his very life is for Allāh. "Say! surely, my prayer and sacrifice, my life and my death are (all) for Allāh, the Lord of the worlds."[138] And to Allāh is the return. "Glory be to Him in Whose hand is the Kingdom of all things, and to Him you shall be brought back."[139] "His is the Kingdom of the heavens and the earth; and to Allāh are (all) affairs returned."[140]

NOTES TO CHAPTER IV

[1] Laski—A Grammar of Politics, George Allen and Unwin Ltd.. London 1960, p. XI.

[2] The writer had himself enunciated this theory as early as 1938 and later developed it in his article on the "Nature of Islâmic Political Theory," published in the "Islâmic Culture," Hyderabad, India, No. 1, January, 1953.

[3] The supremacy of *Sharī'at* has been, among other writers, emphasized by H. A. R. Gibb, who asserted that "respect for the *Sharī'at*" remains the core of Muslim social thinking and that with the maintenance of the *Sharī'at* is linked the survivl or disappearance of Islâm as an organized system." Studies on the Civilization of Islâm, p. 20.

[4] This theory is linked up with the concepts of democracy and sovereignty. The concept of Islâmic Democracy was enunciated by Maulânâ Sayyed Sulaimân Nadavi and others and much later incorporated in the Preamble to the Constitution of Pâkistân, which reads as follows:—

> "Whereas sovereignty over the entire Universe belongs to Allāh Almighty alone, and the authority to be exercised by the people of Pâkistân within the limits prescribed by Him is a sacred trust ... the state should exercise its powers and authority through the chosen representatives of the people."

[5] Aristotle—Politics-Clarendon Press, Oxford 1952, p. 114.

[6] Gettell's History of Political Thought, George Allen and Unwin Ltd., 1961, p. 316.

[7] Machiavelli—The Prince-Everyman's Library, London and New York, 1952, p. 52.

[8] Hobbes-Leviathan—Everyman's Library, London and New York, 1957, p. 89.

[9] Rousseau—Social Contract—New York, 1927, p. 15.

[10] Bodin—Masters of Political Thought, Vol. 11, p. 57

[11] Gettell's History of Political Thought, p. 316

[12] Montesquieu—Masters of Political Thought, Vol. 11, p. 229

[13] Bodin—Masters of Political Thought, Vol. 11, p. 55

[14] Ibid, p. 57

[15] Hobbes-Leviathan, p. 74

[16] Allen—A History of Political Thought in the Sixteenth Century, Methuen & Co. Ltd., London, 1957, p. 413.

[17] Rousseau—Social Contract, p. 22

[18] Allen—A History of Political Thought in the Sixteenth Century, p. 413.

[19] Aristotle—Politics, p. 234

[20] Machiavelli—The Prince, p. 52

[21] Ibid, p. 52

[22] Rousseau—Social Contract, p. 14

[23] Ibid, p. 15

[24] Ibid, p. 17

[25] Montesquieu—Masters of Political Thought, Vol. II, p. 229

[26] Bodin—Ibid, p. 57
[27] Allen—A History of Political Thought in the Sixteenth Century, p. 415
[28] Ibid, p. 415
[29] Hegel—Masters of Political Thought, Vol. III, p. 35
[30] Hobbes-Leviathan, p. 69
[31] Ibid, p. 69
[32] Ibid, p. 74
[33] Ibid, p. 76
[34] Ibid, p. 116
[35] Rousseau—Social Contract, p. 15
[36] Hobbes—Leviathan, p. 71
[37] Locke—Civil Government, p. 121
[38] Rousseau—Social Contract, p. 8
[39] Allen—A History of Political Thought in the Sixteenth Century, p. 415
[40] Bodin—Masters of Political Thought, Vol. II, p. 56
[41] Ibid, p. 57
[42] Ibid, p. 58
[43] Sabine—A History of Political Theory, p. 424
[44] Locke—Civil Government, p. 8
[45] Rousseau—Social Contract, p. 9
[46] Al-Qur'ān 112:1
[47] Hegel—Masters of Political Thought, Vol. III, p. 43
[48] Austin-Gettell's History of Political Thought, p. 316
[49] Ibid, pp. 316 and 317
[50] Laski, A. Grammar of Politics, p. 45
[51] Ibid, p. XI
[52] Ibid, p. XI
[53] Ibid, p. 88
[54] Ibid, p. 65
[55] Ibid, p. 71
[56] Al-Qur'ān 7:8, 7:9, 7:10 and 7:11
[57] Ibid, 11:3, 11:5, 11:6, and 11:8
[58] Ibid, 21:2
[59] Ibid, 30:5
[60] Ibid, 38:1
[61] Ibid, 3-7
[62] Ibid 4:7
[63] Ibid, 4:18
[64] Bukhārī, p. 10
[65] Al-Qur'ān, 57:4
[66] Levy—Sociology of Islām, Vol. II, p. 68
[67] Al-Qur'ān, 27:5
[68] Ibid 30:3
[69] Ibid, 78:2
[70] Ibid 30:3
[71] Ibid 58:3
[72] Ibid 59:3

73 Ibid 2:34
74 Ibid 16:7
75 Ibid 21:2
76 Ibid 28:9
77 Ibid 32:1
78 Ibid 42:2
79 Ibid 46:3
80 Ibid 55:2
81 Ibid 58:2
82 Ibid 3:5
83 Ibid 11:9
84 Ibid 13:1
85 Ibid 13:1
86 Ibid 30:1
87 Ibid 39:6
88 Ibid 3:3
89 Ibid 4:18
90 Ibid 25:3
91 Ibid 30:3
92 Ibid 39:6
93 Ibid 2:16
94 Ibid 2:17
95 Ibid 9:2
96 Ibid 3:19 and 5:16 لله ملک السملوات والارض The term *Mālik* is derived from the word *Milk*-Tafsīr Ibn Kathir, Part I, p. 32.
97 Ibid 5:3
98 Ibid 5:16 also 59:1 لله مافى السملوات و مافى الارض
99 Ibid 6:8
100 Ibid 9:14
101 Ibid 19:2
102 Ibid 20:6 فتعلى الله الملک الحق "Allāh is the possessor of Dominion, Himself true and His promises are true, so that people may become God—fearing and virtuous"—Tafsīr Ibn Kathir, Part XVI, p. 88.
103 Ibid 21:2
104 Ibid 23:6
105 Ibid 35:2 ذالكم الله ربكم له الملک
106 Ibid 40:2
107 Ibid 2:13
108 Ibid 114:1
109 Ibid 6:13
110 Ibid 42:2
111 Ibid 6:6
112 Ibid 10:6—Ibn Kathir states that *Raḥmān* signifies that *Allāh* shows Mercy to the entire humanity, while *Raḥim* means that he bestows Mercy on the *Momins*—Tafsīr Ibn Kathir, Part I, p. 27.
113 Al-Qur'ān 10:7

114 Ibid 39:6
115 Ibid 40:1
116 Ibid 74:2
117 Ibid, 3:3. مٰلک الملک توتی الملک من تشاء "This proves that Allāh is the Master of Dominion and He gives *rulership* to any one He likes and withdraws it similarly" Tafsīr Ibn Kathīr, Part III, p. 56.
118 Al-Qur'ān 2:32 والله یوتی ملکه من یشاء
119 Ibid 6:16
120 Ibid 35:1
121 Ibid 2:20
122 Ibid 48:2
123 Ibid 10:2
124 Ibid 29:5
125 Ibid 1:1
126 Ibid 7:15 ان الارض لله یورثها من یشاء من عباده و العاقبة للمتقین
127 Ibid 46:2
128 Ibid 15:4
129 Ibid 2:4 انی جاعل فی الارض خلیفه
130 Ibid 38:3 یٰداود انا جعلنٰک خلیفه فی الارض
131 Ibid 2:15 قال انی جاعلک للناس اماما
132 Ibid 9:1
133 Ibid 6:20
134 Ibid 6:9
135 Ibid 39:8
136 Ibid 46:3
137 Ibid 114:1—"Herein three essential attributes of Allāh are mentioned (1) *Rab*—Nourisher of mankind, (2) *Mālik*—Possessor of Dominion and (3) *Ilāh*—object of worship"—Tafsīr Ibn Kathīr, Part XXX, p. 130
138 *Ibid.*, 6:20.
139 *Ibid.*, 36:5.
140 *Ibid.*, 57:1.

CHAPTER V

Political Structure of Khilāfat

The spirit of Islām thrives in the practical unity of Muslim brotherhood. "The Musalmāns", said the Prophet of Islām, "are naught else but brethren." The Musalmāns living in any part of the world greet each other as brethren and as members of the same community. Initially, the Muslim *Millat* was organized politically on the basis of *Sharī'at*. The political organization of the Muslim *Millat* took the form of *khilāfat*. But as a result of the abolition of *khilāfat*, the political unity of the Muslim *Millat* was shattered; the homogeneity of social structure was lost, faith was weakened and the position of leadership essential for the service of humanity no longer existed. The Muslim community continued dividing and sub-dividing itself into nations, countries and races; governments ranged between monarchies and republics. Consequently, there exists today not even a semblance of political unity.

The only concept of community that Islām knows of is that of the *Millat:* the form of political organization that developed within the fold of Islām is *khilāfat* and the spirit of laws that animates the political structure is manifested by the *Sharī'at*. How paradoxical the position seems that while the process of disintegration continues to operate in the Muslim society, an incessant craving for political unity overwhelms the thought of Muslim reformers.

The form of political organization that *khilāfat* can take today has been considered as the prime need of the time. Divergent views, however, exist on the conception of *khilāfat*. Muslim thinkers and

philosophers[1] have defined *khilāfat* as *Amānat*, the Divine trust of mankind. Among the non-Muslim writers, Arnold[2] styles *khilāfat* as dictatorship. In order to resolve this conflicting issue, the true nature of *khilāfat* is to be emphasized, the ingredients of dictatorship are to be fully determined, and a careful comparison between the two systems is to be made. The theory and practice of *khilāfat* involve the consideration of several aspects: the position of the Prophet as a ruler, succession to him, origins of *khilāfat*, importance of the institution, election or selection of the *Khalīfah*, qualifications of the candidates and selectors, duties and functions and deposition.

A Universal Leader

The unity of Islām and obedience to the supreme law demands the existence of a universal leader for the whole of the Muslim world. The Muslim law recognizes only one *Imām*. The ruler in Islām is only a servant of Allāh and a benefactor of humanity. The Qur'ān directed the Prophet to pray: "O my Lord! increase me in knowledge."[3] The Qur'ān inspired the Prophet with a burning desire for the best and noblest deeds in the service of humanity. The greatest of men, Muḥammad (May Allāh's peace be upon him) was only a servant of God, like all other men, but differing from others as the messenger of Allāh to humanity. "Say, I am but a human being like you; it is revealed to me that your God is One God; so whoever hopes to meet his Lord, he should do righteous deeds, and not join anybody in the worship of his Lord."[4] All the Apostles of Allāh are to be honoured. "We have made some of these prophets excel the other; among them are they to whom Allāh spoke, and some of them He exalted by (many) degrees of rank."[5] "We differentiate not between any of the Prophets."[6] "And Muḥammad is not but an Apostle; the Apostles have surely passed away before him."[7] "Surely, We have revealed to you as We revealed to Nūh and the Prophets after him, and We revealed to Ibrāhīm and Ismā'īl and Isḥāq and Yā'qūb and the tribes, and 'Isā and Ayyūb and Yunus and Hārūn and Suleimān and We gave to Dā'ūd a scripture."[8] "And (We sent) apostles We have mentioned to you before and apostles We have not mentioned to you."[9] The Prophet said: "I am among other Apostles like that brick, which fills up the gap in a richly decorated

and beautiful edifice."[10] "I have been created at the best epoch of humanity."[11]

Message to humanity

It is related in the Qur'ān that the Prophet brought a message (not to any one people) but to all from Allāh. "Say thou: I am but a human being like yourselves and it is revealed unto me that your God is one God."[12] "(We sent) apostles as the givers of the good news and as warners so that people should not have a plea against Allāh after the (coming of) apostles."[13] "O people, surely the Apostle has come to you with the truth from your Lord."[14] "Nothing is (incumbent) on the Apostle, but to deliver (the message.)"[15] "And We sent not messengers but as announcers of good news and givers of warning."[16] The Prophet is "but a warner and the giver of good news to a people who believe."[17] "He is it who sent His Apostle with guidance and the *Dīn* of truth, that He might cause it to prevail over all *Dīns*, though the polytheists may be averse."[18] "O Prophet! strive hard against the unbelievers and the hypocrites."[19] "You are only a warner and Allāh is custodian over all things."[20] It is narrated in the Ḥadīth that "the news of prophethood can be conveyed by none except the Prophet himself."[21]

Obedience to Apostles

The mankind is directed to follow the Apostles, who brought a message of hope to humanity and who served Allāh and the people. "Those (old prophets) are they whom Allāh guided, therefore, follow their guidance. Say: I do not ask you for any reward for it; it is nothing but a reminder to the peoples."[22] "Those who follow the Apostle, the unlettered prophet, then in the Taurat and the Injīl, (who) enjoins them good and forbids them evil, and makes lawful to them the good things, and makes unlawful to them impure things, and removes from them their burden and the shackles which were upon them; so (as for) those who believe in him and honour him and help him, and follow the light, which has been sent down with him, these it is that are the successful."[23] "O children of Ādam! if there comes to you apostle from among you relating to you My communications, then whoever shall guard (against evil) and

acts aright—they shall have no fear nor shall they grieve."[24] "And (as for) those who reject Our communications and turn away from them haughtily these are the inmates of the fire, they shall abide in it."[25]"Those who did not believe in and followed not apostles met punishment, and the peoples of Nūh[26] 'Ād[27] Ṣālih[28] Shu'aib[29] and Mūsā[30] were all chastised." "And We did not send a prophet in a town but We overtook its people with distress and affliction in order that they might humble themselves; then We gave them good instead of evil."[31] "And each community had an apostle, so when their apostle came, the matter was decided between them with justice and they shall not be dealt with unjustly."[32]

Apostle to every people

Apostles were sent to every people. The Qur'ān says: "And there is not a community but a warner has gone among them."[33] "And certainly We sent (apostles) before you among the sects of the ancients."[34] "And We did not send before you (the last Prophet) any but men to whom We sent revelation."[35] "By Allāh, most certainly We sent (apostles) to peoples before you, but the Satan made their deeds fair-seeming to them, so he is their guardian today, and they shall have a painful chastisement."[36] "And We did not send any apostle but with the language of his people, so that he might explain to them clearly."[37]

The last Prophet

It is related in the Qur'ān that "Muḥammad is not the father of any of your men, but he is the Apostle of Allāh and the last of the prophets, and Allāh is cognizant of all things."[38] The Prophet was mortal like other prophets and men. "Am I aught but a mortal apostle."[39] "Say: I am only a mortal like you."[40] The Prophet of Islām came as the last warner to all peoples."[41] "Blessed is He, who sent down the distinction upon His servants that he may be a warner to the peoples."[42] "And say, surely I am a plain warner."[43] "You are not but a warner."[44] "And I am nothing but a warner manifest."[45] "Surely, We have sent you with the truth as a bearer of good news and a warner."[46] "And We have not sent you but to all the men as bearer of good news and as a warner."[47] The Prophet of

Islām taught mankind to lead a virtuous life by doing good deeds and avoiding the evil ones. "It is revealed to me that your God is one God, therefore, whoever hopes to meet his Lord, he should do good deeds, and not join any one in the worship of his Lord."[48] "And enjoin prayer on your followers and steadily adhere to it; We do not ask you for subsistence; We do give you subsistence and the (good) end is for guarding (against evil)."[49] "And most surely you (prophet) conform (yourself) to sublime morality."[50] The Prophet said: "I have been appointed for completing the good conduct (of men)."[51] "And We have sent you (Prophet) as a mercy to (all) the worlds."[52] "Say whatever reward I have asked of you, that is only for yourselves; my reward is only with Allāh, and He is the witness of all things."[53] It is related in the Ḥadīth that "for the Prophet of Islām, the Qur'ān itself is the greatest miracle."[54]

Caliphs after the last Prophet

Islāmic polity has borrowed the terms of *Khalīfah* and *Imām* from the Qur'ān. "I am going to appoint my *Khalīfah* on the earth."[55] "O Dā'ūd, We have appointed you our *Khalīfah* on the earth."[56] The Prophet of Islām said: "There will be no prophet after me, but *Khalīfahs* and many in number . . . you must offer *bai't* to one after the other and fulfil their due (right to obedience). Again, if they tyrannize, truely Allāh will hold them responsible for those, for whom they have been made shepherds."[57]

Caliphate and Roman Empire

Arnold says that during the early part of the middle ages, two rival political systems, the Caliphate and the Holy Roman Empire, existed, one in the east and the other in the west. Both the institutions had a number of similarities and dissimilarities. Each claimed to exist by Divine appointment and believed in a universal state and a universal ruler. "Islām is a universal religion and claims the allegiance of all men and women, who must either accept the Muslim faith or pay tribute as subject-peoples; corresponding to this common recognition of the same creed there was to be a unity of political organization in which all believers were to owe allegiance to the supreme head of the community, the *khalīfah*."[58] The Cali-

phate, unlike the Holy Roman Empire, was not a revival of pre-existing political institution but was a "child of its age." Islām never recognized the distinction between temporal and spiritual authority, and it never possessed any functionary corresponding to a Pope. There has never been any 'priesthood' in Islām. The "Caliph is pre-eminently a political functionary, and though he may perform religious functions, these functions do not imply the possession of any spiritual powers setting him thereby apart from the rest of the faithful."[59]

Caliph to the Apostle

Khilāfat is deputyship to the Messenger of the Sharī'at to protect the faith and to organize the affairs of the world. *Khilāfat* is also known as *Imāmat* and *khalīfah* as *Imām*, for he leads the faithful in prayers. He is either known as *khalīfah* or *kholīfah* of the Apostle of Allāh or *Khalīfah* of Allāh (*Khalīful-lāh*). The third title is not approved by the '*ulema*. Ḥaḍrat Abū Bakr did not accept the title of the "*Khalīfah* of Allāh". Succession is possible to one, who is dead or absent and Allāh is Omnipresent, and consequently, the question of His *Khilāfat* does not arise. Ḥaḍrat Abū Bakr styled himself the *khalīfah* of the Apostle of Allāh. Ḥaḍrat 'Umar called himself the *khalīfah* of the *Khalīfah* of the Apostle of Allāh; this title being too long soon gave place to *khalīfah*, pure and simple. Ḥaḍrat 'Umar assumed the other title of *Amīr-ul-Muminīn*.

Origin of Khilāfat in the Qur'ān

The theory of the *khilāfat* is based on the teaching of the Qur'ān. The terms *khalīfah* and *Imām* have several times occurred in the Qur'ān. Arnold is wrong to think that the Qur'ān has no reference to one single exalted individual as *khalīfah*.[60] Dā'ūd and Ādam have been referred to as *khalīfah*. "O Dā'ūd! We have appointed you our *khalīfah* on the earth."[61] About Ādam, Allāh said: "When thy Lord said to the angles, verily I am about to place on the earth a *khalīfah*."[62] At other places, the Qur'ān refers to the general mass of believers as His *khalīfah*. "Allāh has promised to those among you who believe and work righteousness, that Allāh will make them *khalīfah* upon the earth."[63] "It is He (Allāh) who has

made you *khalīfah* on the earth, and has raised some of you above others by grades in order that He may test you by His gifts."[64] "And certainly, We have made you successor on the earth."[65] "(As for) the land, My righteous servants shall inherit it."[66]

Ḥadīth

They were the traditions of the Prophet that served as a further basis for a systematic treatment and justification of the theory of *khilāfat*. Morality and law are inter-related; religion and politics go together and from a single revelation, the Qur'ān, proceed the faith and law alike. *Khilāfat* is regarded as a divinely-ordained institution. The Prophet enunciated the theory in clear terms: "There will be no prophet after me, but *Khalīfah* and many in number . . . you must offer *bai't* to one after the other and fulfil their due (right to obedience."[67] "The *Khilāfat* would remain in my *ummat* for thirty years, after which *salṭanat* (will come into existence)."[68] The Prophet, however, nominated no *khalīfah*, but had, during his illness, ordered Ḥaḍrat Abū Bakr to lead the prayers—a privilege, which the Apostle had exclusively kept for himself throughout. This led the people to conjecture that the Prophet nominated Ḥaḍrat Abū Bakr as his *khalīfah*. The fact, however, is that the matter was left to the community to decide. No rules of succession could be adopted to suit all conditions of life and time, and a system in order to be lasting must have the elements of adaptability and flexibility.

Importance of the Institution

Ibn Khaldūn has at length dealt with the theory and practice of *Khilāfat*. He divides politics into '*Aqaliyah* (secular) and *Dīniyah* (religious).[69] The first is the rule of human reason; and the other is the government of the divine laws, conveyed to mankind through the agency of a prophet. All governments imply force and domination. Human laws are tyrannical, while the Divine laws aim at human welfare both in this world and the next. Religious polity cannot tolerate oppression and tyranny. Those who are appointed by Allāh to propagate the Sharī'at are called Apostles and those who maintain the *Sharī'at* after the latter's death are called *khalīfahs*.[70] "*Khilāfat*, thus stands for human welfare both in this world

and the next. *Khilāfat* combines in itself the defence of the faith and the organization of the worldly affairs."[71]

Khilāfat is the deputyship of the Messenger of the Sharī'at. Human reason dictates the presence of a ruler, and the Sharī'at of Islām enjoins on the Musalmāns to select their *khalīfah*. The Muslim *Millat* should not be deprived of its leader, who has to establish a rule of justice and enforce the Divine commandments. The *Khārijīs* and the *Mu'tazellits* are against the institution of *Imāmat*. The Muslim law, in fact, is not against government as such, but against its evils—tyranny and lawlessness. The power of the government in Islām, is to be utilized for a certain moral end—the raising of humanity to a higher and spiritual state.

The Quraish myth

The traditions clearly state that the *khalīfah* must be a member of the tribe of the Quraish, to which the Prophet himself belonged. As a matter of history, this condition was duly fulfilled in the ruling persons of the Umayyads, 'Abbasids and the Faṭimids of Egypt. The principle is laid down as follows:

"*Khilāfat* shall only remain among the Quraish: whoever will rise against them will be subdued *till the time they retain the faith*."[72]

"*Khilāfat* shall remain among the Quraish till the time there are even two *pious men* among them."[73] "There would be twelve *Imāms*, all of whom would be Quraish."[74] "The *Khalīfah* shall be of the Quraish, judicial authority shall be in the hands of the *Anṣārs* (auxiliaries) and the call to prayer with the Abyssinians."[75] The *Imām*, shall be of the Quraish; *the righteous of them rules over the righteous among them, and the wicked of them, rules over the wicked among them*."[76] "The people are subservient to the Quraishit government. Musalmāns are subject to the Quraishit Musalmāns and the unbelievers are under the unbelieving Quraishis."[77] "The *khilāfat* shall not cease until there are twelve *khalīfahs* from among the Quraish."[78] "Elevate the Quraish and do not supersede the Quraish."[79]

Khilāfat is, thus, restricted to the Quraish, but the *Khārijīs* disputed it and proclaimed that a non-Quraish as a *khalīfah* is also

permissible. Ibn Khaldūn says: "When the Quraish themselves were involved in luxury and loss of power, doubt arose as to this provision."[80] It is not only due to the fact that the Quraish were related to the Prophet, that they were selected for *khilāfat*. The Quraish were the only tribe, who had the support and co-operation of all other tribes, and whose '*aṣabiyat* and '*Sharāfat*' were universally acknowledged. This is the reason, why the *Quraish* were selected for leadership. "Consequently, today," says Ibn Khaldūn, "when the Quraish have lost their '*aṣabiyat* they cannot be accepted as *Imāms*, there is no other alternative, but to select such an *Imām*, in every country, as may possess '*aṣabiyat*."[81]

Those, who repeat the traditions of the Prophet forget and even *omit the qualifying clauses* attached to every saying such as "till the time the Quraish retain the faith"; "till the time there are even two pious men among them"; "the righteous of them (Quraish) rule over the righteous among them." Thus, the right of the Quraish to *khilāfat* is not absolute, but *depends on their superior piety and virtue.*

Islām as a universal system believes in social justice and equality of opportunities. The basic principle of the equality of Muslim brotherhood would be undermined, if the right of *khilāfat* exclusively goes to the Quraish. Racial and tribal considerations have no place in the laws and conventions of Islām. Race, colour and country are the vanishing pin-points in the consciousness of a true Musalmān. Islām stresses upon virtuous life and the Qur'ān says: "*the best among you* (*Musalmāns*) *is one, who is most virtuous.*" Virtue, therefore, is the criterion, and it is towards this aspect of piety that the Traditions of the Prophet refer, as pointed above. A non-Quraish, with the requisite virtue is, therefore, eligible for the office of *Khilāfat*. Let us not forget the other least-quoted saying of the Prophet: "You will be ruined on account of this tribe of Quraish."[82]

If we apply the Qur'ānic process of abrogation to the Traditions, the Prophet's last *Khuṭbah* (address) annuls the Quraish theory by proclaiming finally that the Musalmāns must "listen and submit even to an Abyssinian slave, if he rules in accordance with the Book of Allāh."[83]

Election of the First Four Caliphs

During his illness, the Prophet ordered Ḥaḍrat Abū Bakr to lead prayers in the mosque.[84] The death of the Prophet was followed by great confusion: nobody would believe it and Ḥaḍrat 'Umar was swearing that the Apostle did not die. Ḥaḍrat Abū Bakr then addressed the gathering thus: "If people worshipped Muḥammad, then he is dead; but if they worship Allāh, then he is alive and will ever live. 'Muḥammad is only a messenger of Allāh and many messengers have passed before him'."[85] Soon aftei, the *Muhājirins* and *Anṣārs* disputed sucession: both claimed one *Amīr* from amongst them. Ḥaḍrat Abū Bakr intervened and claimed that the Arabs would only accept the leadership of the Quraish. Ḥaḍrat 'Umar anticipated and struck the "palm of his hand over the palm of Abū Bakr's hand" and thus offered *bai't* to him. Others followed Ḥaḍrat 'Umar. The whole process was an exemplification of the ancient Arab custom that when a chief of a tribe expired, the elders selected someone from amongst them on grounds of seniority in age, influence and service.

During the mortal illness of Ḥaḍrat Abū Bakr, he ordered Ḥaḍrat 'Umar to lead the prayers in the mosque, and summoned a *council* of his companions to consult them on the question of succession. Ḥaḍrat Abū Bakr then proposed the name of Ḥaḍrat 'Umar, who was accepted with some hesitation by the audience. Ḥaḍrat Abū Bakr explained his object by saying that in nominating 'Umar, he was not selecting any of his relations, but appointing one, who was most virtuous.

Ḥaḍrat 'Umar by his will appointed a council of six[86] to select his successor. His own son 'Abdur Raḥmān bin 'Umar was given a casting vote in case of a tie, on the condition that he himself could not contest for *khilāfat*. 'Abdur Raḥmān bin 'Auf represented that the council should be reduced to three, and every one of the six should name the other, whom he thought best. Zubair nominated 'Ali; Sa'd nominated 'Abdur Raḥmān bin 'Auf and Ṭalḥā nominated 'Uthmān. 'Abdur Raḥmān bin 'Auf withdrawing from the contest, requested the remaining two to leave the matter into his hands.

As they agreed, 'Abdur Raḥmān bin 'Auf offered *bai't* to Ḥaḍrat 'U<u>th</u>mān.

After the murder of Ḥaḍrat 'U<u>th</u>mān, the office of *<u>kh</u>ilāfat* remained vacant for three days. The people then sought the permission of Ḥaḍrat 'Alī to assume the charge of *<u>kh</u>ilāfat:* at first he refused, but later agreed on the insistence of both the *Muhājirs* and *Anṣārs.*

Principles Embodied

The system followed in the selection of the first four Caliphs cannot be termed election in the strict sense of the term. In the first place, only the elders, not the whole *Millat*, took part. Secondly, there was nomination and acceptance (*bai't*) by the elders. This was done in accordance with the basic principle of Islām that "those alone are good, who are virtuous." Such an important question as that of *<u>kh</u>ilāfat* could not be decided by ordinary Zaid, Bakr and 'Umar. The virtuous alone could elect the virtuous, and consequently franchise was to be restricted. Certain principles may, however, be deduced: (1) the office of the *<u>kh</u>ilāfat* remained elective; the matter may be left for the decision by general body of the Musalmāns, for the "Prophet of Islām did not nominate any one"[87]; (2) only the elders possessing piety, experience and knowledge can take part in the election; (3) the reigning <u>Kh</u>alīfah may nominate a successor in his life-time or appoint a council to nominate his successor; (4) there cannot be any question of hereditary succession; (5) nor of blood relationship; (6) the matter may be decided on grounds of seniority in age, personal influence, good conduct and services to the *Millat* and (7) there should be a formal *bai't*—acceptance by those present and by the general public.

Later Interpretations—Māwardī

During the disintegration of the 'Abbāsid Caliphate, the earliest systematic theory of *<u>kh</u>ilāfat* was compiled by Māwardī. According to Māwardī, *<u>kh</u>ilāfat* or *Imāmat* is succession to the office of the Prophet, in order to protect the faith and organize the affairs of the world. The institution is necessary, as Islām enjoins on the

Imām, the duty of enforcing the laws of the *Sharī'at*. "Obey Allāh, His Apostle and those in authority from among you" means that the office of the *Amīr* is indispensable.[88]

Electors and Elected

The office of the *khalīfah* or *Imām* is elective. Māwardī divides the *Millat* into two groups—those who elect and those who are elected. If a person is selected *Imām* by a general consensus of opinion, the question of dividing the *Millat* into two sections does not arise.

Number of Electors

Authorities are not decided as to the number of electors required to make an election valid. The *Imām* is elected in one of the two ways (1) the preceding *Imām* may nominate his successor or (2) the electors may choose him. Some authorities maintained unanimous agreement of all qualified Musalmāns in every part of the Muslim world. Others believe that those present at the time of the death of the *khalīfah* are sufficient to represent the whole body of the faithful. A third set of writers fixes five as the least number. A fourth school says only three persons—one *Ḥākim* and two witnesses—are enough. And lastly, the remaining school holds that only one voice is sufficient.[89] Thus both Māwardī and Ibn Khaldūn hasten to the conclusion that the reigning *khalīfah* may nominate his successor.[90] "In an ingenious manner he (Māwardī) endeavours to make the theory of election fit with practice—that almost every Caliph nominated his successor."[91]

Nomination by the Caliph

The present Imām may nominate a successor, provided the person so selected possessed all the requisite qualifications and that he is neither son nor father to him. The first electors may offer *bai't* to the nominee.[92] If the nominee is a son or father to the Caliph, opinions are divided on the validity or otherwise of the nomination.[93] The Caliph may also nominate a council of electors or may give a preferential order to the nominees.[94]

Mashwarat Essential

Both Māwardī and Ibn Khaldūn forget that *khilāfat* and *Mashwarat* (consultation), go together; consultation is a pre-condi-

tion to the selection of the *khalīfah*. The Prophet said: "If ever I appointed a *Khalīfah* without consultation, he would have been 'Abdur Raḥmān Mas'ūd."[95] Ḥaḍrat 'Umar said: "*Khilāfat* is no *Khilāfat* without *Mashwarat* (consultation)."[96]

Qualifications of Electors

Māwardī prescribed a number of qualifications for the electors. An elector should be: (a) of male sex and of full age. There is a saying of the Prophet to the effect that "a people who appoint a woman as their head, will never prosper"[97]; (b) he should be of good reputation and virtuous conduct; (c) he must possess knowledge of the requisite qualifications of the *Imām* and (d) must have necessary insight and judgement to make a choice.[98]

Qualifications of the Candidates

According to Māwardī, a candidate for the office of *Khilāfat* must: (a) be a member of the tribe of the Quraish—not an indispensable qualification as discussed before; (b) be of male sex and of full age—this is added by later jurists like Baiḍāvī and Ghazālī; (c) be of spotless character; (d) be free from all physical and mental infirmities; (e) possesses sufficient knowledge of the *Sharī'at* and sound judgement for public administration; (f) be intelligent and has capacity to safeguard public interest and to carry on the state affairs and (g) has courage and energy to defend the Muslim territory.[99]

The First Electors

It is the duty of the first electors to find out a person, who possesses all the requisite qualifications and who would be readily accepted by the *Millat*. In case such a person refuses the offe., the next deserving person may be approached. If there are two persons with similar qualifications, the senior in age be preferred. If in the presence of a better qualified individual, a candidate of inferior qualification is selected, the validity or otherwise of such a case is controvertial. If two *Imāms* are simultaneously elected at two places, both the elections are void. "When two *Khalīfahs* are accepted in succession, the second should be slain."[100]

No Asking for Imāmat

A very good principle was enunciated by the Prophet of Islām who said that nobody should aspire for *Imāmat* or *Ḥukūmat*. It is a matter of ordinary experience today that only incompetent people apply for high offices and the really deserving people are ignored. The Prophet said: "We do not give office to those, who aspire for it and apply for it."[101] "Do not beg for power (*Ḥukūmat*); for if you get power through begging, then you would be directed towards your evil nature. But if you get it without request, then you would be guided aright."[102]

Bai't

The *Amīr* and the *Millat* are fastened together by means of *bai't*, which literally means 'compact' or submission. *Bai't* is taken by striking the palm of one's hand over the palm of the *Amīr's* hand. A *bai't* with a woman is concluded by mere words and not by striking the hands. [103] The Prophet did not touch the hand of a stranger (woman) when accepting *bai't*. [104] A *bai't* with a minor is not permissible.[105] The person, who offers *bai't* promises to regard the *Imām* as the supreme head of the *Millat*. *Bai't* signifies an offer of fidelity and allegiance on the part of the subjects and its acceptance by the *Amīr*. Allegiance to the Prophet or the *Amīr* amounts to allegiance to Allāh. The *Amīr* and the *Millat* are, thus, bound together in allegiance to Allāh: both promise to abide by the command of Allāh. "Surely, those who give allegiance to you (the Prophet) do but give allegiance to Allāh." [106] "Certainly, Allāh was well-pleased with the believers, when they swore allegiance to you (the Prophet) under the tree." [107] "O Prophet! when believing women come to you giving you a pledge, that they will not associate aught with Allāh .. and will not disobey you in what is good, accept their pledges." [108] A *bai't* is described thus—"I have taken a *bai't* at the hands of the Prophet by solemnly promising to take to prayers, to pay *Zakāt* and to be a well-wisher of every Musalmān." [109] To accept Islām or the truth; to wage *Jihād*; not to fly from the battlefield; to remain a Musalmān; to

die for the Islāmic cause; to migrate; to fight when migration is not permitted, are different conditions of the *bai't*. [110] *Bai't* in actual practice amounts to "listening and submitting to the best of one's capability". [111]

When an *Imām* duly selected assumes the office, it is necessary that this fact be known to the general *Millat*; all the people need not see him or know his name. The first electors must see the *Imām* and know his name.[112] The common people, excepting the first electors, possessed not the right of selection but were charged with the duty of taking an oath of allegiance to the selected *Imām*. This was also done with a view to serving the solidarity of the *Millat* and to check a division in its ranks. The *Millat* then must assign the discharge of all affairs to their *Imām*. Thus, the political authority in Islām depends on the will of the Muslim brotherhood, and the bond of Muslim society, therefore, rests on an *implied contract or consent*, without which none has any right to exercise authority. Islām is an organized life conceived as a contractual organizm, long before Rousseau thought of it. The basis of government in Islām is, therefore, the will of the *Millat*.

Deposition

The Prophet prayed: "Whoever is the ruler of my *ummat*, if he tyrannizes over them tyrannize over him; and whoever is the ruler of my *ummat* and if he is kind to them be kind to him." [113] "Both good and evil will be seen from the rulers; whoever checked evil is freed, who submitted to it he committed a wrong; wage a war against the evil-doing *Amīrs*, till they are slain and deposed from *Imārat*."[114] The *Amīr*, thus can continue in office so long as he adheres to the provisions of the *Sharī'at*, and "enjoins the good and forbids the wrong". When the *Khalīfah* discharges all the prescribed functions, it is the duty of the *Millat* to pay allegiance to him so long as he does not change. In case of corruption or physical or mental infirmity, Ibn Khaldūn is of the opinion that the *Khalīfah* ceases to hold the office. [115] Apparent physical deformities not involving hindrance in official work do not debar a person from holding the office of *Khilāfat*.

Position of the Amīr

The *Amīr* has been referred to as a 'shield', 'shepherd', 'friend" and the 'shadow of Allāh' on the earth. "The *Imām* is like a shield under the shade of which people fight and are protected from evil; if the *Imām*, fearing Allāh, orders what is right, he will be rewarded; and if he does otherwise, he will be held accountable."[116] "The *Amīr* is like a shepherd to his subjects; for he is not created an *Amīr* so that he may overburden the people with taxes."[117] "The *Amir* is the shadow of Allāh on the earth for the oppressed."[118] "The best rulers are those, who keep you (ruled) as friends, and the worst rulers are those, with whom you are in disagreement, and they do not agree with you."[119] Four types of persons, whether ruler or ruled are hated most: (i) proving dishonest when trusted; (ii) telling lies while speaking; (iii) breaking promises and (iv) abusing while fighting.

Simple Living

The distinguishing characteristic of the *khalīfah* was simple living. Ḥarḍat 'Alī said to Ḥaḍrat 'Umar: "If you seek the friendship of your master (Ḥaḍrat Abū Bakr) there should be patches on your shirt, trousers be torn, shoes outworn, socks old and tathered, hopes frustrated and no food to your belly's content."[120] Ḥaḍrat 'Uthmān kept a brick for a pillow, while sleeping in the mosque. The *Amīrs* are definitely warned against accepting any presents. [121] "They, however, have a claim on the *Baitul Māl* for their maintenance in case they have no means of their own. Ḥaḍrat Abū Bakr said: "Since I am engaged in the affairs of the Musalmāns, my dependents have a claim on the *Baitul Māl* for their maintenance." Similarly, Ḥaḍrat 'Umar said: "If I am in prosperity, I shall not take anything, but if I am in distress, then I shall take as such as past traditions permit and that too according to my bare needs." Ḥaḍrat 'Umar took regular rounds at night to safeguard the interests of the people, and toured the whole *khilāfat* likewise by turns.

Duties and Functions

The Qur'ān enjoins on the *Amīr* a duty to Allāh and kindness to his subjects. "Those, who, if we give them power on the land, establish

worship and pay *zakāt* and enjoin kindness and forbid inequity."[122] The *Amīr* as the head of government should behave like a father to his subjects; he should love them for their virtues and punish them for their faults. It is his duty to obey Allāh, and the Apostle and follow the traditions of the early *Khalīfahs*. The duties of the *Amīr* may be summarized as follows:—

(1) *'Adl*—it is of two kinds—(a) *'Adl khās*, which the Amīr does for his own self and abstains from the prohibited actions and (b) *'Ādl 'Ām*, meaning to collect revenue in accordance with the rules of the *Sharī'at*, the traditions of the Prophet and of the early *Khalīfahs*. The *Amīr* is the trustee of the *Baitul Māl*, out of which he can draw only for his bare necessities.

(2) To punish evil doers, remove bad customs and suppress tyranny.

(3) To incur expenditure out of the *Baitul Māl* as sanctioned by the *Sharī'at*.

(4) To construct buildings of public utility such as mosques, schools, bridges, wells, etc.

(5) To abstain from cruelty and tyranny.[123]

(6) To abstain from evil company.[124]

(7) To consult and seek advice from the wise and sagacious companions in all affairs.

(8) The *Amīr* is warned against the Divine punishment. "And when you lay hands (on men) you lay hands (like) tyrants, so guard (against the punishment of) Allāh."[125] "Very soon, you will aspire for authority and dominion and you will be disgraced on the Day of Resurrection." "Government incurs a trust and a means of disgrace on the Day of Judgement."[126]

(9) The *Amīr* should treat his subjects with compassion and kindness. "The worst rulers are those, who tyrannize over people and do not treat them with compassion and kindness. A ruler who disregards the needs of his subjects will be disgraced by Allāh."[127] "The *Imām-i-'Ādil* (a just *Imām*) will be pardoned by Allāh on the Day of Resurrection."[128]

(10) The *Amīr* should secure the legitimate rights of his subjects. "A ruler who deprives his subjects of their legitimate rights will have

his abode in hell."[129] "If the ruler of the Musalmāns does not seek their good and does not wish their welfare, he will not go to paradise with them."[130]

Māwardī has carefully summarised the functions of the *Khalīfah*, whom he regards as a person "capable of fulfilling administrative, judicial and military functions for the defence of *Dīn* and the administration of the state". The enumerated functions of the *Khalīfah* are: (1) defence and maintenance of *dīn;* (2) decision of legal disputes; (3) protection of the territory of Islām; (4) punishment to wrong doers;[131] (5) the raising of troops for guarding frontiers; (6) to wage *jihād* against those who refuse to accept Islām or pay tribute; (7) payment of salaries and administration of public funds; (8) appointment of competent officials and (9) to keep watch over the minutest details of the government.[132]

Ibn Khaldūn's statement of the functions of the *Khalīfah* is also noteworthy. Islāmic government can only be organized on the basis of *Khilāfat*, and the governmental functions are performed by the *Khalīfah*. (1) All religious duties are assigned to the charge of the *Khalīfah*; the most important being *Imāmat* in prayer; (2) *Fatwā*, which work be given to persons of learning and piety; (3) *Quḍa*, decision of disputes in accordance with the provisions of the Qur'ān and the traditions of the Prophet; (4) *Jihād*, to defend the country of Islām; (5) *Eḥtisāb*, censure of immoral conduct and (6) to establish currency and mint.

Khilāfat—Despotism ?

In the light of the above quoted statements from the *Qur'ān*, *Ḥadīth* and later Muslim thinkers, it is not possible to agree with Arnold's view that the "Caliphate thus recognized was a despotism, which placed unrestricted power in the hands of the ruler and demanded unhesitating obedience from his subjects".[133]

In order to understand the above statement, it is necessary to trace the idea of absolutism or dictatorship as it developed in the Western European thought and practice.

Theory and Practice of Dictatorship

The essence of Plato's political philosophy is that the function of government is essential to the state and is to be exercised by a special class of people.[134] It is the use or misuse of power that makes a government good or bad. Since the monarch uses power arbitrarily, it lapses into tyranny. Plato neither likes tyranny nor unbriddled democracy but believes in a class-state.[135] Aristotle also has a dislike for tyranny when he says: "Tyranny as a kind of monarchy has in view the interest of the monarch only".[136]

Machiavelli perhaps is the only solitary theorist, who justifies the absolute power of the monarch on its own merits. He advises the despot to use force ruthlessly, employ persuasion artfully and act decisively. The prince should be able to play both the beast and the man and as such be cunning like a fox not to be trapped by others and valiant as a lion to protect himself. The monarch should be seemingly moral. Therefore, "lying, faithlessness and dishonesty are all virtues".[137] Thus, to the brute force exercised by the despot, Machiavelli adds the vice of immorality.

Bodin makes a distinction between monarchy and tyranny. "Monarchy is the kind of state in which absolute sovereignty rests in the hands of a single man."[138] The difference between a king and tyrant is that while the former conforms to the laws of nature, the latter "tramples them under foot".[139]

Hobbes justifies the absolute power of the sovereign on the condition that he provides "security for the individuals".[140] He, however, advocates that when the individual's right of self-preservation is violated, the individual can rebel against the sovereign. Absolutism, in short, is the price paid for security and the remedy lies in rebellion.

According to Locke "absolute monarchy.. is indeed inconsistent with Civil Society and so can be no form of Civil Government at all".[141] Locke's constitutional theory, therefore, provides a check on the power of the government.[142]

Montesquieu bases a despotic government upon fear. He says: "There is honour in monarchy, virtue in a republic and fear in tyranny." "A tyrant," according to Montesquieu, is one whose

five senses constantly inform him that he himself is everything and that his subjects are nothing.[143]

Rousseau is emphatically against the power of the tyrant. According to him, it is not the will of a class or a tyrant but the will of the whole community, which should determine the law. Law is "an act of general will".[144] Mill also abhors the despotism of political rulers to the extent that he dislikes the "tyranny of the majority".[145]

Leaving aside the theoretical side, dictatorship as a form of government in practice has been quite old. The Roman dictatorship was a temporary expedient in time of crisis when a Director superseded the Consuls; after the crisis, the dictator was selected by a legal process.

The notion of modern dictatorship developed after the first World War. War and its spoils, disillusion and despair and the magnitude of economic and social problems helped the rise of dictatorships, since the people's faith in democracy was shaken. Unlike the Roman type, the dictatorship of Russia, Italy and Germany came to power, not by a legal process but as a result of *Coup d'etat*. Force was the basis of their authority and force alone maintained them. They monopolized actual power and denied any right to power to others. The Russian dictatorship is the dictatorship of a party, while in Germany and Italy it was the dictatorship of the individuals, backed by the Nazi and Fascist parties. Dictatorship is, thus, a government by one individual tossed up by the party, or by an individual backed up by a party created by him.

Under such a system, there is no distinction between state and government or state and dictator. Law is, therefore, the will of the state, which is the dictator personified. Hence no sphere of human life can fall outside the control of the dictator, who is not responsible to anybody or for anything. The non-accountability of government, the fundamental concept of dictatorship, is just the negation of the democratic principle. There is a wide gap between the dictator and the subjects.

Modern dictatorships glorified the nation or state and developed a cult of war. Both Hitler and Mussolini extolled force and believed in the principle—"Expand or perish". An extreme form of dictator-

ship is totalitarianism. "Wherever it arose", says *Hannah Arendt*, "it developed entirely new political institutions and destroyed all social, legal and political traditions of the country. No matter what the specifically national political traditions or the particular spiritual sources of its ideology, totalitarian government always transformed classes into masses, supplanted the party system, not by one party dictatorship, but by a mass-movement, shifted the centre of power from the army to the police, and established a foreign policy openly directed towards world domination."[146]

Totalitarian State

The totalitarian state advocated the doctrines of the purity of race, language and literature. Communism aimed at the abolition of religion but Fascism and Nazism made religion a tool of the state. Totalitarian Law became the law of History or Nature, which meant the Laws of movements. Under such a regime, the place of positive law is taken by total terror, which is the essence of totalitarian domination. Terror is regarded the realization of the law of movement. The techniques of the twentieth century dictatorships are the institutions of terror, propaganda, the single party and the programme of action.[147] These institutions or practices have been used uniformally by the dictatorships of Right and Left by the Fascists, Nazis and the Communists. The Fascist school and Press were essentially organs of propaganda.[148] Unswerving obedience to an ironclad autocracy was the ideal of Nazi-Fascist States. In Italy and Germany, under the regimes of Mussolini and Hitler, the "dictatorship of the party over the people was as intense as the pre-eminence within the party of the Duce or Fuehrer".[149] The Communist party was regarded as "the Military staff of the proletariat", "highest form of class organization of the proletariat" and the "weapon of the dictatorship of the proletariat".[150]

In short, "dictatorship exaggerates the worthiness of a few and demeans or brutalizes the remainder".[151]

Political Organization of Islām

The political organization of Islām is the result of a conscious process of selection on the part of the Muslim *Millat*, and is not

created by force. The Muslim ruler, unlike a despot, is subject to the *Shari'at* and has no arbitrary authority. The *Khalīfah* is selected by the faithful, and cannot, like a despot, thrust himself on the community by sheer force. The *Khalīfah* has to conform to the *Sharī'at* and his word can never become "law'. If the *khalīfah* deviates from the *Sharī'at* he is to be deposed. So there is no dictatorship in Islām —not the rule of one person or one will, but the Rule of the *Sharī'at* manifesting the Will of Allāh. Under such a system neither is the personal liberty of the individual lost nor is the political power concentrated in the hands of a single person.

Amānat

The one-sided emphasis on the obedience of the people without any corresponding duty on the part of the *Amīr* would be meaningless. It has, therefore, been expressly provided that the person in authority is accountable and responsible to the *Millat*, for the trust reposed in him. The welfare of the *Millat* is a great trust. The Apostle is ordered thus: "Go on inviting and say, I believe in what Allāh has revealed of the Book, and I am commanded to do justice between you; Allāh is our Lord and your Lord; we shall have our deeds and you shall have your deeds; no plea need there be between us and you; Allāh will gather us together and to Him is the return."[152] "He who has made you a *khalīfah* on earth and exalted some of you in rank, so that He may try you by what He has given you"[153] "And surely you shall be questioned regarding that which you have been working"[154]

It is better not to hold a post than to occupy one and prove irresponsible. The Prophet said: "You secured salvation, if you died and were neither *Amīr* nor *Munshī* nor *'Ārif* (Reporter)."[155] Every official duty carries with it responsibility and accountability; professions are, therefore, better than service. It is related in the *Aḥādīth* that "there are two tendencies in a ruler—evil and good—either he is directed towards good or evil".[156] "The *Imām* is a shepherd and is accountable for his subjects."[157] "Whoever from among the *Ummat* of Muḥammad is master of something and has the authority of doing good to someone or to harm somebody; he should

do good and abstain from evil."[158] "When a Muslim ruler does not fulfil the needs of his subjects, when they are poor and destitute, then Allāh will not fulfil his needs and requirements."[159]

The interests of the *Millat* are prior to the interests of the individual. The Qur'ān provides: "and know that your property and your children are a mere temptation and that with Allāh is immense reward".[160]Obey Allāh and His Apostle and turn not away therefrom."[161]

Divine Trust of Mankind

The *khilāfat* of Allāh is the greatest trust of mankind so that the commandments of Allāh be enforced. Commands of Allāh are based on *khāir* (virtue or good), while human laws are directed towards evil. The *Amīr* should, consequently, possess requisite virtue so that he might enforce the commands of Allāh and deserve the trusteeship of mankind or the *khilāfat* of Allāh. It is the duty of the *Amīr* not to betray his trust. The Qur'ānic injunctions are: "O believers! be not unfaithful to Allāh, nor be unfaithful to your trusts, while you know."[162] "Surely Allāh commands you to make over trusts to those worthy of them, and that when you judge between people, you judge with justice."[163] "And He it is who has made you *khalīfah* in the land and raised some of you above others by (various) grades, that He might try you by what He has given you."[164] The Prophet said: "On the Day of Resurrection, there would be a separate flag, under which would stand those, who violated contracts and proved faithless .... Every one of you is a *Ḥākim* and accountable for his subjects: the ruler shall be called upon to explain his duty towards his subjects; man will account for his household, woman is the guardian of her husband's house and his children; and the slave is the guardian of his master's property."[165] "Such people are just, who, while passing orders do justice even between their children and relations, and whatever work is assigned to them, they carry it out justly." [166] "Every office is a trust, and on the Day of Resurrection, brings dismay and disgrace excepting when the holder (of the post) fulfills his duty and acts with righteousness."[167]

NOTES TO CHAPTER V

1 Ibn khaldūn regards *khilāfat* as a human, but divinely-ordained institution, possessing political power and leadership to preserve the *Din* and to secure good in this world as well as in the next-Maqaddimah, p. 248.
2 Arnold, Caliphate, p. 9.
3 Al-Qur'ān, 20: 6
4 Ibid., 18: 11
5 Ibid., 2:33,
6 Ibid., 2:40.
7 Ibid., 3:15. وما محمد الا رسول - قد خلت من قبله الرسل Ibn Kathīr interprets it that the departure of the Prophet from this world enjoins on his followers to serve the *Din* all the more enthusiastically as it constitutes a legacy of the Prophet-Tafsīr Ibn Kathīr Part IV p. 30
8 Al Qur'ān, 4:23.
9 Ibid., 4:23.
10 Muslim, Vol. VI, p. 2318.
11 Bukhārī, Vol. II, p. 173. بعثت من خير قرون بنى آدم
12 Al-Qur'ān, 18:11.
13 Ibid., 4:23.
14 Ibid., 4:23.
15 Ibid., 5:13.
16 Ibid., 6:5.
17 Ibid., 7:23.
18 Ibid., 9:5.
19 Ibid., 9:10.
20 Ibid., 11:2
21 Bukhārī, p. 10.
22 Al-Qur'ān, 6:10.
23 Ibid., 7:19.
24 Ibid., 7:4.
25 Ibid., 7:4.
26 Ibid., 7:8.
27 Ibid., 7:9.
28 Ibid., 7:10.
29 Ibid., 7:11.
30 Ibid., 7:16.
31 Ibid., 7:12.
32 Ibid., 10:5.
33 Ibid., 35:3.
34 Ibid., 15:1.
35 Ibid., 21:1.

36 Al-Qur'ān, 16:8.
37 Ibid., 14:1.
38 Ibid., 33:5.
39 Ibid., 17:10. هل كنت الا بشرا رسولا
40 Ibid., 18:12. قل انما انا بشر مثلكم
Ibn Kathīr says that the Prophet though a human being, was commissioned by Allāh to act as his Apostle, so that human beings could easily understand the Revelation from him, Tafsīr Ibn Kathīr Part XV p. 74.
41 Ibid., 25:1.
42 Ibid., 25:1.
43 Ibid., 15:6.
44 Ibid., 35:3.
45 Ibid., 46:1.
46 Ibid., 35:3.
47 Ibid., 34:3.
48 Ibid., 18:12.
"Worship Allāh and do not associate any one with Him." Bukhārī, p. 11.
49 Al-Qur'ān, 20:8.
50 Ibid., 68:1.
51 Bukhārī بعثت لا تتمم مكارم الا خلاق
52 Al-Qur'ān, 21:7.
53 Ibid., 34:6.
54 Muslim, Vol. I, p. 279.
55 Al-Qur'ān, 2:4. انی جاعل فی الارض خليفه The emphasis here is, according to Ibn Kathir, that Allāh chose a human being as his Khalīfah and not an augal. Tafsir Ibn Kathīr Part I p. 90.
56 Al-Qur'ān, 38:3. یاداؤدانا جعلنک خلیفه‌فی الارض Ibid., 2:15 قال انی جاعلک للناس اماما
57 Bukhārī Vol. II, p. 152— انه لا بنی بعدی و سیکون خلفاء فیکثرون فوابیعه الارل نالاول اعطوهم حقهم فان الله سائلهم عما استرعاهم
58 Arnold, Caliphate, p. 9.
59 Ibid., p. 17.
60 Ibid., p. 43.
61 Al-Qur'ān, 38:3.
62 Ibid., 2:4.
63 Ibid., 24:7.
64 Ibid., 6:20.
65 Ibid., 35:5.
66 Ibid., 21:7.
67 Bukhārī, Vol. II, p. 152.
68 Tirmidhī, Vol. II, p. 104.
69 Ibn-Khaldūn, Muqaddimah, p. 218.
70 Ibid p. 219.

71 Ibid. p. 248

72 Bukhārī, Vol. II, p. 160. ان هذا لامرنى قريش لا يعاديهم احد الاكبه الله على وجهه ماآقا موالدين

73 Ibid., p. 161, لايزال هذالامرنى قريش ما بقى منهم اثنان also Muslim, Vol. V, p. 1962.

74 Tirmidhī, Vol. II, p. 104.

75 Kanz, Vol. V, No. 3429.

76 Ibid., Vol. III, No. 2983.

77 Muslim, Vol. V, p. 1962.

78 Ibid., Vol. V, p. 1964.

79 Quoted in Aḥkām-us-Sulṭāniyah, p. 5.

80 Ibn-Khaldūn, Muqaddimah, p. 223

81 Ibid., p. 224

82 Bukhārī, Vol. II., p. 177. يهلک الناس هذالحى من قريش

83 Ibid., p. 169 Also Nisāī, Vol. II, p. 336 Mishkat, Vol. II, p. 221. سموا و اطيو او ان استعمل عليكم عبد حبشى

84 Muslim, Vol. II, p. 557

85 Al-Qur'ān 3:15 وما محمد الا رسول - قد خلت من قبل الرسل

86 Abī Dā'ūd, p. 738.

87 Muslim, Vol. V, pp. 1966, 1967.

88 Māwardī, Aḥkām-us-Sulṭaniyah, p. 4.

89 Ibid., p. 6.

90 Ibid. p. 6, and Ibn Khaldūn, Muqaddimah, p. 240

91 Arnold, Caliphate, p. 70.

92 Māwardī, Aḥkām-us-Sulṭaniyah, pp. 13, 14.

93 Ibid., p. 15.

94 Ibid., pp. 20 and 22

95 Quoted in Ḥifẓur-Raḥmān's Islām Kā Iqtisādī Niẓām p. 90.

96 لاخلافتهالاعن مشورة Ibid. p. 90.

97 Bukhārī, Vol. II, p. 315. لن يفلح قوما ولو امرهم امراة

98 Māwardi, Aḥkām-us-Sulṭaniyah, p. 4.

99 Ibid., p. 5. Tafsīr Ibn Kathīr—Part I. p. 93.

100 Muslim, Vol. V, p. 1997.

101 Ibid., p. 1970.

102 Abī Dā'ūd, p. 735 لاتشال الامارة نانک ان اعطيتها عن مسئلةو كلت اليها و ان اعطيتها من غيرمسئلة اعنت عليها

103 Tirmidhi, Vol. 1, p. 282.

104 Abī Dā'ūd, p. 739.

105 Ibid., p. 739.

106 Al-Qur'ān, 48:1

107 Ibid., 48:3

108 Ibid., 60:2
109 Bukhārī, p. 31.
110 Ibid., pp. 68, 31—Also Nisāī, Vol. II, pp. 328, 329, 330 and 331.
111 Abī Dā'ūd, p. 738. على السمع و الطاعه و ملقيه فيما استطعتم -
Also Nisāī, Vol. II, pp. 334, 335.
112 Māwardī, Aḥkām-us-Sulṭaniyah, p. 26.
113 Muslim, Vol. V, p. 1994.
114 Ibid., p. 1997.
115 Ibn Khaldūn, Muqaddimah, p. 222
116 Nisāī, Vol. II, p. 337.
117 Muslim, Vol. VI, p. 2318.
118 Tirmidhī السلطان ظل الله فى الارض ياوى اليه كل مظلوم
Mishkāt Vol. II p. 233.
119 Muslim, Vol. V, p. 1998.
120 Kitāb-ul-Khirāj, p, 15.
121 Muslim, Vol. V, p. 1997.
Tirmidhī, Vol. I, p. 234.
122 Al-Qur'ān, 22.6.
123 Maulānā Muḥammad Ja'far Shāh—Intakhāb-i-Ḥadīth p. 269.
124 Ibid. p. 278.
125 Al-Qur'ān, 26:7.
126 Bukhārī also Muslim, Vol. V, p. 1972.
127 Tirmidhī, Vol. I, p. 233.
128 Bukhārī, p. 161.
129 Muslim, Vol. I, p. 260.
130 Ibid. p. 261.
131 Māwardī, Aḥkām-us-Sulṭāniyah, p. 28.
132 Ibid., p. 29.
133 Arnold, Caliphate, pp. 47, 48.
134 M.B. Foster, Masters of Political Thought, Vol. I, p. 82.
135 Sabine, A History of Political Theory, p. 79.
136 Aristotle, Politics Vol. III, Chapters 6 and 7.
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139 Ibid., p. 67.
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150 Ibid., p. 241.

151 Waldemar Gurian, Bolshevism—University of Notredame Press, Indiana p. 116.

152 Al-Qur'ān, 42:2.

153 Ibid., 6:20.

154 Ibid., 16:13

155 Abī-Dā'ūd, p. 936.

156 Nisāi, Vol. II, p. 337.

157 Bukhari, p. 20, also Tirmidhī, Vol. I, p. 298.

158 Ibid., p. 206.

159 Abī-Da'ūd, p. 741.

160 Al-Qur'ān, 8:3

161 Ibid., 8:3

162 Ibid., 8:3

163 Al-Qur'ān, 4:8. Emphasizing the importance of *Amānat* Ibn Kathīr says that even martyrdom cannot absolve non-fulfilment of trust—Tafsīr Ibn Kathir Part V p. 50.

164 AlQur'ān 6:20.

165 Muslim, Vol. V, p. 1975 and Abī Da'ūd, p. 755. الا كلكم راع و كلكم مسئول
عن رعيه فالامام الذى على الناس راع وهو مسئول عن رعيته والرجل راع على اهل بيته هو
مسئول عن رعيته والمراة راعيته على بيت زوجها وولده وهى مسئولته عنهم وعبدالرجل
راع على مال سيدة و هو مسئول عنه الافكلكم راع و كلكم مسئول عن رعيته

166 Muslim, Vol. V, p. 1973.

167 Ibid., Vol. V p. *1972*.

CHAPTER VI

Shūrā—Government by Consultation

Recently, the domain of political thought among the Muslim writers represented a feeble effort to solve the so-called problem of religion and democracy. Without emphasizing the real significance of Islām as a *dīn*, Muslim thinkers are either groping in search of ***democracy of Islām*** or in their stretch of imagination seem to hit upon the novel idea of *Islāmic democracy*[1]—a strange combination of the two rather irreconcilable terms—or regard *spiritual democracy*[2] as the ultimate aim of Islām. This is in consonance with the prevalent tendency to identify Islām with every form of Western political theory, however conflicting they may be in their nature and contents.[3] On the other hand, it is equally misleading to contend that no part of Western political thought corresponds with any aspect of Islāmic political theory. The confusion arises out of a misunderstanding of the true nature of *Siyāsah Islāmiah* and a very wrong method of interpreting Islām through the medium of Western ideas, terminology and techniques.

An attempt has, therefore, been made in the following pages to keep the concept of democracy distinct from Islām and without unnecessarily trying to reconcile the two, it has been found more rational to emphasize the Islāmic ideals of *Ummat Wāḥidah* (human community), *Taqwā* (human worth), *'Adl* (justice) and *Amānat* (trusteeship). As against these ideals, the principles of equality, liberty and responsibility were, at a much later stage, advocated by modern democracy. Islām was, in fact, the first comprehensive system

of life, which pronounced the notion of *Jamā'at* (group life) and commanded the practice of the ideals of Islām for the welfare of man. Dīn was regarded as the fountain of the basic law for the guidance of the Islāmic government, which stood for the realization of the noble ideal of human welfare both in this world and the next. The early *Khilāfat* based on these principles differed widely from its belated counterpart—the Western democracy.

Political ideals apart, democracy as a form of government has also varied in the West: there is a constitutional monarchy with a parliamentary sovereignty[4] in England and a presidential type of government in the United States of America. Modern democracy has not however, lived upto the noble ideals of Islām and consequently a number of evils have crept in the body-politic. Let modern democracy learn its lessons from Islām in order to remedy its ills by faithfully adhering to the ideals of Islām in all their purity and clarity of fundamentals.

Ideals of Democracy

Definitions seldom define holds particularly true with regard to democracy, Being derived from the words *demos* and *kratos*, democracy literally means the power of the people. A survey of the concept of democracy through the ages would reveal that it contains five-fold factors—(*i*) a government of 'all' or the 'many'; (*ii*) the body of the people possesses sovereign power; (*iii*) consent of the majority or the general will of the people is the basis of the state; (*iv*) responsibility is laid upon all governmental action and (*v*) the end of state-activity is the welfare of man. Herodotus, in the fifth century B.C., understood democracy to mean 'Mob-rule'[5] or a society in which there is equality of right and the holders of political authority are accountable for what they do. To Aristotle and Plato, democracy meant the "government of the many" and the Greek equivalent of modern democracy was 'polity'[6]. Cicero's thought centred round two doctrines—natural law and the equality of man[7]—now two fundamental principles of democracy. "If a people have a share in the sovereign power," said Jean Bodin, "we call it a popular state".[8] In the words of Hobbes, "an Assembly of all will constitute democ-

racy".[9] Subsequently, Locke emphasized for the first time the principles of consent and majority decision which form the basis of modern democracy. Locke said that "the majority having ... upon men's first uniting into society, the whole power of the community naturally in them, may employ all that power in making laws for the community from time to time, and executing those laws by officers of their own appointing, and then the form of government is a perfect democracy".[10] Montesquieu in his "Spirit of the laws" brilliantly remarked that "when in a republic, the body of the people is possessed of the supreme power, it is called a democracy".[11]

The arguments for democracy have been set forth in the three principal theories—the doctrine of natural rights, utilitarianism and political idealism. As a typical theorist of natural rights, Rousseau emphasized that people are both citizens and subjects when they participate in the sovereign authority of the state or when they submit to the law respectively.[12] He proceeds to define democracy in exact words when he says, "the Sovereign may commit the charge of the government to the whole people or to a majority of the people so that more citizens are magistrates than are mere private individuals. This form of government is called democracy".[13]

The theory of utilitarianism as propounded by Bentham, Mill and Spencer, stands for the standard of utility—the "greatest good of the greatest number,"[14] and as such makes representative democracy a preferable form of government.[15] The utilitarian argument was that political government has as its end the well-being of the individual. Society should, therefore, be so reconstituted politically that its constitution could secure ample opportunities for happiness of the greatest number of individuals in the community. Democratic government alone satisfies these arguments.

Political idealism regards democracy as the best form of government, which enables the individual to realize fully the most characteristic potentialities of his personality. Accordingly, democracy will largely effect the development of the latent intellectual and spiritual qualities of the individual. Freedom (with which the concept of democracy is vitally concerned) lies, according to Hegel, in obedience to the state.[16] With reference to the foundation of government,

H.T. Green beautifully summarized that "will, not force, is the basis of the state".[17]

Distrust of Democracy

The theoretical side of democracy will not be complete unless some of the significant misgivings about democracy are clearly brought forth by quoting the theorists themselves. Plato's doctrine that the function of government must be performed by a special class of men, proved the distrust of a government by 'all' or the 'many'." Until philosophers become Kings or Kings become philosophers, Plato contended, "State will not cease from ill".[18] Aristotle criticised democracy from a different point of view. To him a democracy which violated the principle of the supremacy of law is fairly open to the objection that it is not a constitution at all, for "where the laws are not sovereign, there is no constitution"[19] Machiavelli condemned the general people as corrupt and, therefore, preferred one man's rule. He observed that "the only way to establish any kind of order is to found a monarchical government; for where the body of people is so thoroughly corrupt that the laws are powerless for restraint, it becomes necessary to establish some superior power".[20] Hobbes was quite despondent when he said, if the people "find themselves grieved under a democracy, call it anarchy".[21] Even Rousseau, the exponent of 'general will' did not regard democracy as a practical proposition when he stated, "If we take the form in the strict sense, there never has been a real democracy, and there never will be. It is against the natural order for the many to govern and the few to be governed. It is unimaginable that the people should remain continuously assembled to devote their time to public affairs. . . ."[22] "Were there a people of Gods", Rousseau contended, "then government would be democratic, so perfect a government is not for men".[23] Agreeing with Hegel, Bosanquet did not regard the distinction of states into monarchy, aristocracy and democracy as applicable to the modern world. "At least, it could only apply to the underdeveloped countries of antiquity. The modern state is a concrete, and, according to its principle, all the elements of a people's life are represented in it as indivisible unity."[24]

Democracy in Practice

As already observed, democracy found its main support in the writings of the contractualists, the utilitarians and the idealists. The doctrine of natural rights was advocated as a defence of democracy in the middle ages. A Leveller's pamphlet during the Puritan Revolution in England asserted that "we the people", derive from "Adam and right reason" certain "natural rights of liberty, property, freedom of conscience and equality in political privilege". John Locke sought to establish a scientific justification for the Parliamentary Revolution of 1688. Accordingly, Rousseau's "Social Contract," Paine's "Rights of Man" and the "Declarations" of the French and American Revolutions vindicated the claim that man as man possesses an inherent right to determine the form and personnel of the government. Thus, from the later eighteenth century until recently, the trend towards democracy has been understood as a great process of man's development from the stage of savagery to the height of civilization—from autocracy to democracy. Mac-Iver testifies to this movement by saying that "in spite of reversions, the main trend of the state is toward democracy".[25] Democracy has seen two forms—old and new—direct and indirect. Direct or pure democracy could only become a reality in a small city-state, where the number of citizens was small enough to form a public assembly, the highest and most powerful body of government. Modern states, on the other hand, are nation-states and it is not possible or practicable to call the entire body of citizens at one place. The only other alternative is a recourse to indirect democracy or representative government. In the practical field, the definition of democracy has undergone a great change. Government of all or of the majority was soon found to be an impossibility. The later theorists perforce took a more realistic veiw and sought to define democracy in a more practical manner: Majority rule, popular consent and responsible government were recognized as fundamental principles of modern democratic states.

Dicey defined democracy as "a form of government in which the governing body is a comparatively large fraction of the entire nation." Hall, Chesterton and Strong believed that democracy as a government rests on the general will or active consent of the governed. Lincoln's

definition of democracy as a "government of the people, by the people and for the people", though usually respected, has often been disputed. The late James Bryce took the most realistic attitude and defined democracy in more concrete terms as "a government in which the will of the majority of qualified citizens rules, taking the qualified citizens to constitute the great bulk of the inhabitants, say, roughly, at least three-fourths, so that the physical force of the citizens coincides (broadly speaking) with their voting power."[26] Lecky, in his illustrious work on "Democracy and Liberty" has painfully pointed out to "the declining respect for parliamentary government and the great difficulty of reconciling this form of government with extreme democracy."[27]

Criticism of Democracy

Modern democracy has both been praised to heavens and ruthlessly criticised. Democracy has, in fact, displayed its own inherent defects in its working, yet the remedy of democracy has been suggested as more and more democracy. Hearnshaw in his famous work on "Democracy at the cross ways" mentions four postulates of political democracy. He believes in the fundamental honesty of man, his practical common sense, solidarity of the community and the existence of a general will. Dr. Finer observes that under a democratic government, "We have the assurance that the sphere of our private life—our family, our diversions, our worship, our work—will not be invaded except by due process of law in which we have an equal say with any. We rest tranquil that officials and judges will not abuse us and that they themselves will have to answer for discrimination and bias and unauthorized invasions of our private and public life to a public tribunal in which we, as of right, sit as judge and jury."[28]

Democracy has been bitterly criticised as "aimless, inefficient and economically unjust". A government of the people "millions, mostly fools"—can be knocked to pieces in five minutes. Democracy, it is said, is a government, where the people have the 'freedom to starve'; it is the 'paradise of the shrieker'. Popular government has not, it is alleged, existed even in countries, where constitutions have been

normally democratic. Consequently, it has never been a valid theory either as a political ideal or as a description of political fact. Some of the recent writers have stressed upon the "false assumptions", the "receding tide", the "impossibility" of democracy and the "historic necessity of oligarchy".

An Ethical Ideal

Almost every polity has, as its basis, an ethical ideal, and every organized life is marked by the existence of certain laws and institutions. Islām also provides for these and Islāmic life is to be lived according to Islāmic laws and institutions, which, in pursuance of an ethical ideal, are creative of social order and political development. The end of the organization is the spiritual expansion of humanity and the ethical ideal of Islām—"enjoin good and forbid wrong" as enunciated in the *Qur'ān*—gradually unifies individuals and groups into a well-knit people called the *Millat*. "For those who do good in this world is good" and "certainly the abode of the hereafter is better". Peace and good relations as the watch words of modern democracy, can exist only when the Islāmic conception of the unity of mankind is realized. Love of humanity implies that glory lies not in the mere possession of power, but in the attainment of a noble ideal through the use of legitimate power. Government should not exist for the personal glory of one or many, but for the good of humanity. A rational faith is, therefore, needed in a divinely ordained organization, which shall exist for a virtuous life. The spiritual basis of Islāmic life is piety or righteousness, which consists in acting according to the law of Islām.

Human Equality

Starting with the principle of equality, a democrat has an abiding faith in the individual and his capabilities, but quite recently he has been criticised for ignoring the characteristic imperfections of ordinary men. Government by popular majorities, it is said, is a rule by the average man. What political virtue, it is emphatically asked, can there be in mere superiority of numbers? What standard of judgement can make the opinion of any 55 per cent fairer or wiser than that of

the remaining 45? All men are not born alike and the democratic principle is wrong in ignoring natural inequalities in favour of artificial political equalities. A democracy is interested not in promoting the worth of exceptional individuals but in increasing the basic comforts of ordinary individuals. The mediocre majority pulls down individuals of distinctive capacity and achievement to its own level. Under such a situation, a community of all individuals or "most" of them and in it the ordinary individual, cannot effectively and usefully participate in the affairs of government. While realizing this difficulty, Western democracy does not seem to suggest any remedy for this ill.

Turning to Islām for guidance, we find that according to its ideology, the whole humanity has been regarded as one. "All people", says the Qur'ān, "are a single community"[29]. But "in respect of time", said the Prophet, "the Muslim *Millat* is the last"[30] "The solidarity of the Muslim *Millat* is to be retained"[31] at all costs so that it may be able to accomplish the ideal of the unity of mankind.

Natural deficiencies apart, all individuals are alike and should be treated alike.[32] It is the good (*Khair*) of the individual and of humanity that should alone count. While affording equal opportunities to all and admitting natural deficiencies, the Islāmic basis of preference is *taqwā* "or virtue". "The best among you is one, who is most virtuous "is the *Qur'ānic* injunction. "The most venerable is one", said the Prophet, "who fears *Allāh* most".[33] Unlike modern democracy, Islām, thus, lays great stress on quality rather than quantity. The individual is to be valued for what he has in him and what he is capable of achieving. Accordingly, the right to participate in the government will also be limited to such individuals as have reached a level of moral advancement which can enable them to perform their duties in a political life. And the door to moral advancement is not closed to the rest of the individuals. Guidance is, however, necessary in every sphere of the individual's life, and "the (true) guidance is the guidance of *Allāh*."[34] An individual can seek God's guidance by acting according to the will of the Almighty, which is manifested in the law of Islām. Higher development and fuller realization are ensured in Islām through the operation of the divine law. It follows that the right to propose or nominate the Khalīfah appertains to those

few individuals, who, by virtue of their moral attainments and sound judgement are competent to express their *rā'i* (opinion) on the fitness or otherwise of the candidates proposed by them.

Liberty

Liberty constitutes one of the main ideals of democracy. However, critics generally contend that democracy is, of all forms of government, the most unfriendly to liberty and individuality. "The man of a characteristically democratic temperament neither desires freedom for himself nor tolerates it in others. Genuine liberty is quite outside the comprehension and imagination of the ordinary man and beyond his capacity to defend. Having no sense of the dignity and social worth of his own personality, he has no appreciation of these values in others. He lends ready support to any sort of political and social pressure that tends to standardize human behaviour particularly where the standardization is a levelling down to his own mental and spiritual plane. A democracy, therefore, is the "most meddlesome, morally and intellectually of all policies."[35]

Liberty does not exist in isolation: it is the product of an organized society. True conceptions of liberty and self-assertion, rights and duties, discipline and sacrifice are to be determined and guided by the specific ends, towards which they are directed. Under the political organization of Islām, there cannot be any killing of human initiative or freedom, but their running into right channels. Man in Islām is neither an end nor a means but has to play his own destined role. "Man is the Vicegerent of God on earth",[36] and as such lives neither for himself nor for the state but to realize his destiny by achieving a nobler end—the well-being of humanity.

It is generally held that liberty is not derogatory to authority. Infact, individual liberty is the product of state-activity. Liberty is not a positive concession—a licence to do what a man wishes to do, but constitutes a negative term. It means a common restriction on the similar freedom of every one. Human behaviour is to be regulated so that one individual may not violate the liberty of another individual. Laws are, therefore, made to determine the respective rights and duties of the individuals. It is only through the enjoyment of rights and performance of duties that individual liberty becomes a fact of

political life. In Islām, the *Sharī'at* law ensures the liberty of the individual Musalmān. The *Sharī'at* of Islām does not, like modern democracy, level down the individual, but offers splendid opportunities for the moral and material advancement of human beings. This is, in fact the true concept of liberty.

Method of Election

The worst feature of modern democracy, it is said, is its corruption: bribery is rampart; elections are wasteful and extravagant; and there is a natural distrust for national leaders. Democracy claiming to depict the wishes of the people has an innate tendency towards insubordination and anarchy. The main defect of the system is that it is too democratic. It gives the right of vote to every one on the principle of "one man, one vote" and does not pause to consider whether the individual voter possesses the requisite qualifications to exercise that right.

In Islām, the right of vote is not given to every one, but definite qualifications have been prescribed both for the candidates and electors. The requirement of the virtuous conduct forms the basis for the enjoyment of political rights on the part of an individual Musalmān. Both by injunction and convention, the office of the Khalīfah is elective. There being no consideration for blood-relationship or hereditary succession, a candidate for Khilāfat is to be preferred only on grounds of seniority in age, excellence of character, sufficient knowledge and devoted service to the community."[37] Similarly, the electors must be of good reputation and upright conduct, possess knowledge of the qualities[38] requisite for the *Khalīfah* and have the necessary insight and judgement to make a choice. The main object of the Islāmic political organization is that both the electors and the elected should be virtuous; such a condition is necessary as the *Millat* is charged with a scared duty of uplifting humanity to the highest level of material and moral well-being.

Party System

Party system is the chief characteristic of modern democracy. Party-politics and party-strife divide the whole country into two or more opposing groups. These parties have no sound lines of policy

and the ordinary member finds himself confronted with excessive technical details of party organization and discipline. Instead of being an informative guide, democracy offers least leisure for the individual members to understand the problems of the day. Party-system can, however, be justified for providing a healthy and fruitful discussion of problems of national importance, but not merely for the perpetuation of the rule of the majority over the minority.

On the other hand, the basis of government in Islām is *Mashwarat* (consultation). The Muslim Amīr is required to conduct the affairs of government in consultation with counsellers in accordance with the injunction of the Qur'ān—"and consult with them upon the conduct of affairs; and when thou art resolved, then put thy trust in Allāh.[39] Thus, the Amīr has to carry on the work of government with the help of a *Majlis-i-Shūrā* (consultative assembly). Under such a system of government, there can be no fixed party-system. Parties may, however, be formed from time to time on the basis of virtue, not vice; and good, not evil. It follows that the Amīr would be bound by the verdict of that party which is on the side of virtue or good and cannot be guided by a party even in majority, which stands for vice or evil. Under such a system, the question of sheer majority or minority would not arise and the basis of decision will always rest on the ethical standard of "good" as enunciated by the law of Islām.

Representative Government

It is said that in democracy, the rulers are responsible to the ruled. It is, however, alleged on the other hand, that democracy, being a "cult of incompetence" lacks "enforceable responsibility". Democracy, in actual practice, amounts to "Mob-rule" and quite recently, attempts have been made to indict democracy upon new scientific grounds— the psychology of "Mobs" and "crowds", the laws of heredity and measurements of levels of human intelligence.[40] It is an admitted view of the sociologists that "groups of men" often act in strikingly different ways from the normal ways of the individuals, who compose the group. "Accordingly, in crowds, the response of men are largely reflex manifestations of primitive impulses and their higher and more individualised thoughts and aspirations tend to

disappear."[41] Political democracy is, therefore, bad, because in all its characteristic institutions and deliberations, it depends upon mass expressions. Apart from the idea that democracy is ethically unjustifiable and practically inefficient in its operation, the worst criticism levelled against it is that it is "impossible" or that democracy is no where actually in operation. In the real decisions of government, a minority plays an effective part behind the parliaments of so-called democracies. "General will" of the theorists is expressed through factions, intrigues and cliques. Coker observers that "democracies in France, Italy, England and United States tend more and more to be demogogic plutocracies."[42]

Self-government is by no means enough, unless it is also good government. A government was considered good, when it was really responsible and accountable for its acts. The Muslim law imposes upon the Amīr the duty of obedience to the divine law and upon the individual Muslmān the duty of obedience to the Amīr,[43] provided the latter acted according to the law of Islām. It has, therefore, been explicitly provided that the person in authority is held accountable to Allāh for the welfare of the subjects- his "trust." [44] The Amīr is also, as head of government, responsible to the *Millat*, who delegated its collective Khilāfat to him and whose trustee he thus becomes. The Qur'ān enjoins on the Musalmān "not to betray his trust".[45] The Prophet said, "the Amīr is the guardian of his subjects"[46] and that "he is accountable for their welfare".[47] Unlike the prevalent practice in modern democracy, nobody is permitted in Islām to offer himself as a candidate for leadership of the state. The Prophet said, "Do not ask for political authority (*ḥukūmat*) for if you get authority through begging then you would be directed towards your evil nature. But if you get it without request, then you would be guided aright".[48]

Let us now consider the representative character of modern democratic governments. Representative governments today have sovereign parliaments. The British Parliament, for example, possesses "both the legislative and constituent powers. The Muslim parliament, on the other hand, being subject to the *Sharī'at*, the supreme law of Islām, cannot change or modify the divine law. Thus, the supremacy

of the divine law is one of the special characteristics of Islāmic polity. It follows that Islāmic parliamentarism is different from the modern parliamentary system, where a law may be made, changed and enforced at the sweet will of the majority. Democratic consciousness in a people creates in them a national outlook, which being based on territorial allegiance is opposed to the humanizing spirit of Islām. The organized life of the Islāmic Millat is marked by the attainment of a moral consciousness, on the part of every member, of the ideal—the spiritual expansion of mankind and an incessant striving for the realization of the same. Shāh Walīullah has emphatically asserted that isolationism does not form part of the moral values of Islām, but greatest emphasis is laid on the corporate life of mankind.[49]

Consultative Procedure

The political edifice of Islām is founded on three pillars—*Jamā'at*, *Amīr* and *Iṭā'at*. The Prophet said, "Islām is not without *Jamā'at* (group) *Jamā'at* cannot exist without Imārat, and Imārat depends on *Iṭā'at*.[50] Just as it is obligatory on the part of the Muslims to form a Jamā'at and pay *Iṭā'at* to the *Amīr*, similarly it is essential for the Amīr to consult those concerned with the affairs of the state. The Amīr is, thus, required to conduct the affairs of the state in consultation, Mushwarat, in accordance with the injunction of the Holy Qur'ān "And whatsoever it be wherein you differ, the decision thereof is with Allāh; such is Allāh, my Lord! in Him I put my trust."[51] In view of this Divine commandment given to the Prophet, it is obvious that the Khalīfah or Amīr is bound to consult the counsellors (*ahl-ar-rā'ī*). Ḥaḍrat 'Umar himself said, "there is no *Khilāfat* without Mushwarat".[52]

In their mutual consultation, the Amir and the counsellors (*Ahl-ar-rā'ī*), are both to be guided by the divine commandments. The Qur'ān says, "what is with *Allāh*, is better and more lasting for those who respond to their Lord and keep up prayer and their rule is to take counsel among themselves."[53]

Next to the word of *Allāh*, the Qur'ān recognized the validity and the binding character of the words and actions,of the Prophet. "Your companion does not err nor shall he fail ... nor does he speak out of desire."[54] The Prophet's words were regarded as an expression of

divine will. And "whatever the Apostle gives you, accept it, and from whatever he prohibits you, keep back and be careful of (your duty to) *Allāh*".[55]

The supremacy of the injunctions of the Qur'ān and Ḥadīth has been fully established so that no decision of the consultative assembly can abrogate or modify them. Apart from that, enough margin has been allowed to individual judgement, interpretation and discretion.

The Qur'ān enjoins on the counsellors (*ahl-ar-rā'i*) the duty of expressing honest opinion in consultation to others and prohibits secret counsels. "O you who believe! when you confer together in private, do not give to each other counsel of sin and revolt and disobedience to the Apostle, and give to each other counsel of goodness and guarding (against evil); and to be careful (of your duty to) *Allāh* to whom you shall be gathered together". "Secret counsel is only (the work) of the Satan that he may cause to grieve those who believe and he cannot hurt them in the least except with Allāh's permission; and on *Allāh* let the believers rely."[56]

Responsibility in Governance

The question arises how far is the Amīr bound by the advice given to him by the *Ahl-ar-rā'i*? Islām, no doubt, enjoins mutual consultation in matters of governance but no decision can be arrived derogatory to the Divine commandments and the traditions of the Prophet. Ḥaḍrat 'Umar said, "I am an individual like you: and you shall *declare the truth* today; those who do not agree with my opinion may declare so openly and those who indeed agree with me may declare as such: do not wish that every body must follow my advice, for you too possess the Book of Allāh."[57]

The principle of responsible government was for the first time enunciated by Ḥaḍrat Abū Bakr, when he said, "The strongest among you is weak, so long as I exact from them the due, and the weakest among you is strong so long as I do not restore to him his rightful claim. I am only a follower: obey me so long as I follow the truth, but if I go astray, set me aright."[58]

Regime of trust

Islām was the first comprehensive code of life, which established a system of responsible government—a government in which both the ruler and the ruled are responsible before the divine law: none can deviate from the "right path". Under the paramountcy of Divine law, there developed a consultative procedure, whereby the ruler is to be aided by the few competent counsellors in determining the policy of government and in the execution of administrative responsibilities. The Caliph or the ruler in Islām is a representative of Allāh on earth and Caliphate as such means a representative government. Under such a system of government, political authority can only be exercised as a trust: the ruler is the trustee of the subjects and responsible to Allāh for their welfare. Islām is thus, a representative government, a rule of law, a regime of trust and a governance by consultation.

The political ideal of Islām is to enable human beings to act together in the service of God as well as of one another and to build-up institutions by consent and consultation so as to encourage right conduct and justice.

NOTES TO CHAPTER VI

1 The earliest trace of the appellation of جمہوریت اسلامی is found in the writings of Maulānā Sayyad Sulaimān Nadavi. Vide Maulānā Hāmidul Anṣārī, *Islām Kā Niẓām-i-Ḥukūmat* (Dehli, 1943), p. 37.

2 To Iqbāl, the Vicegerency of God meant a democracy of more or less unique individuals, presided over by the most unique individual on this earth. Iqbāl, though a vehement critic of democracy, tried to seek "spiritual democracy" as the ultimate aim of Islām"—Sir Muḥammad Iqbāl, *The Reconstruction of Religious Thought in Islām* (Lahore, 1954), p. 180.

3 Reference is made to the writer's article on "the Nature of Islāmic Political Theory" contributed to the Indian Political Science Conference held in Bombay in 1941. *See "Islāmic Culture"*, XVII, January, 1943.

4 Dicey, *Introduction to the Study of the Law of the Constitution* (London) 1948, pp. 39-85.

5 George S. Sabine, *A History of Political Theory* (London, 1937), p. 23.

6 Earnesr Barker, *The Politics of Aristotle* (Oxford, 1961), p. 114.

7 Sabine, *op. cit.*, p. 164.

8 *Masters of Political Thought* (London, 1963), II, 65.

9 Thomas Hobbes, *Leviathan* (Oxford, 1952), p. 142.

10 John Locke, *On Civil Government*, p. 182.

11 *Masters of Political Thought*, *op. cit.*, II, 233.

12 Rousseau, *Social Contract* (London, 1927), pp. 15, 16.

13 *Ibid.*, p. 56.

14 John Stuart Mill, *Utilitarianism, Liberty and Representative Government*, (New York, 1948), p. 6.

15 *Ibid.*, p. 197.

16 *Masters of Political Thought*, III, p. 35.

17 Green, *Lectures on the Principles of Political Obligation* (London, 1949), pp. 121-141.

18 Plato, *The Republic*, p. 174.

19 Barker, *op. cit.*, p. 169.

20 Machiavelli, *The Prince and the Discourses*, p. 255.

21 Hobbes, *op. cit.*, p. 142.

22 Rousseau, *op. cit.*, p. 58.

23 *Ibid*, p. 59

24 Bernard Bosanquet, *The Philosophical Theory of the State* (London), p. 264.

25 Mac-Iver, *The Modern State* (1950), p. 340.

26 Bryce, *Modern Democracies* (New York, 1927), I, p. 22.

27 Lecky, *Democracy and Liberty* (London, 1913) I, p. V, Introduction.

28 Finer, *Theory and Practice of Modern Government*, p. 952.

29 *Al-Qur'ān* 2:26.

30 Bukhārī, p. 201.
31 Saḥiḥ Muslim, V, 1996.
32 Sunan Abū Dā'ūd, p. 978—Here it is related that the Prophet said, "it is better to allow the slave and the servant to dine with the master."
33 Bukhārī, II, p. 130.
34 *Al-Qur'ān*, 3:8
35 Coker, *Recent Political Thought* (New York, 1934), p. 311.
36 *Al-Qur'ān*, 38:2
37 Al-Māwardī, *Aḥkām-us-Sulṭāniyah*. p. 5
38 Ibn Khaldūn, *The Muqaddemah*, p. 183.
39 *Al-Qur'ān* 3: 17—The Prophet used to consult his companions on all matters —social, political and administrative. This was done in obedience to the Command of Allāh as well as to please his companions in order to make them responsible for the course of action, so decided—Tafsīr Ibn Kathīr—Part IV pp. 40 & 41.
40 Coker, *op. cit.*, p. 313.
41 *Ibid*, p. 314.
42 *Ibid*, p. 329
43 Al-Qur'ān, 4:8
44 *Ibid*, 8:3
45 Ibid 8:3
46 Abū Dā'ūd, p. 735.
47 Muslim, *op. cit.*, V, p. 1975. Tirmidhi, I, p. 298.
48 Abū Dā'ūd, p. 735.
49 Shāh Waliullah, *Ḥujjat-ul-lāh-ul-Bālighah*, I, p. 284.
50 Bukhārī, p. 178.
51 *Al-Qur'ān*, 42:2
52 لا خلافة الا عن مشورة Kanz-ul-'ammāl, quoted by Muḥammad Ḥifẓur-Raḥmān, Islām kā Iqtiṣādī Niẓām p. 90.
53 *Al-Qur'ān* 42:4
54 *Ibid*, 27:1.
55 *Ibid.*, 59:1
56 *Ibid*, 58:2.
57 Abu Yūsuf, *Kitāb-ul-Kharāj* p. 25.
58 Maulvi Ḥājī Mu'inuddīn-*Khulafā-i-Rāshidīn* (Ā'ẓamgarh, 1937), p. 25.

CHAPTER VII

Itā'at—Concept of Obedience to Authority

Government depicts a relationship between the ruler and the ruled and political organization of which the government is an integral part, presupposes the existence of a coercive authority and submission to that authority on the part of the ruled. There is a difference between power and authority: *de facto* power is distinguished from *de jure* authority, which operates through legal channels. It is only when law authorizes the use of authority and the organization is the state, that the question of political obligation arises.

Political Obligation

The problems of political organization are two-fold (i) what are the bases on which authority is founded? and (ii) what are the grounds on which political obligation can be explained or justified? These problems have been the main focus and centre of thought in the political theory of the West. Among the political thinkers, the Socialists upheld the cause of governmental authority, the Individualists advocated maximum liberty for the individual and the Idealists tried to bring about a reconciliation between the state and the individual. Thus, the problem of state-authority and individual liberty is linked up with the question of political obligation or obedience to political authority. In other words, how can authority be lawfully exercised by government and how can it be legitimately resisted or disobeyed?

As regards the question of political obligation, three main theories have been advanced. Firstly, the theory of consent was

propounded by the social contract writers—Hobbes, Locke and Rousseau and later Green, who believed in the moral basis of obedience. Secondly, the traditionalists like Burke and Hegel, could justify authority legitimate only when it is sanctioned by custom. Thirdly, the Divine Right theory proclaimed that authority was independent both of human choice and custom and the Divine Will was finally binding upon men. Herein political obligation was religious in character as James II, King of England, claimed the Divine Right to rule without any corresponding right for the subjects to disobey.

Turning to Islām for guidance, in this sphere, it is to be clearly understood as to what is implied by the term, authority: how is authority created and to whom it is delegated; under what conditions it can be exercised and to what extent and with what purpose. It has already been explained that authority in Islām is a delegated one and constitutes a Divine Trust carrying with it the principle of great responsibility. Now the question is what is the concept of political obligation or obedience in Islām, technically known as *Iṭā'at*? What are the conditions under which *Iṭā'at* is obligatory? When is the individual or the community freed from this obligation? On the answers of these questions, depends the problem of human freedom or liberty.

Is *Iṭā'at* in Islām conditional or unconditional? In this respect, erroneous views have been held both by the European and oriental scholars. Arnold, in particular, says that "we find an uncompromising doctrine of civic obedience in the Traditions".[1] This statement can be scrutinized on the basis of a careful study of the grounds upon which rests the obligation of *Iṭā'at* in Islām.

Khilāfat—An Essential Institution

The question of political obligation depends upon the nature of government. *Khilāfat* has been regarded as an essential form of political organization for the preservation of the faith and the organization of worldy affairs. *Khilāfat* is the trust of mankind and *Khalīfah*, is the trustee. The *Amīr* of the *Millat* is, thus, bound by the provisions of the *Sharī'at* and as such cannot act in an arbitrary manner. Of course, *Khilāfat*, like any other form of government,

requires authority to function. "Had there been no authority," the Prophet said, "people would have devoured each other."[2] The authority of the *Khalīfah* is not absolute or immune from responsibility. Under such a system of government, not only the exercise of political authority is conditional, but the political obligation is also limited by the manner prescribed by the *Sharī'at*—the supreme regulation of conduct both for the ruler and the ruled.

Iṭā'at—A Pillar of Political Organization

The Prophet said, "Islam is not without *Jamā'at* (group), *Jamā'at* cannot exist without *Imārat* and *Imārat* depends on *Iṭā'at* (obedience).[3] It is clear from the above that the *Millat*, the *Amīr* and *Iṭā'at* are the three pillars, on which is based the political edifice of Islām. The Prophet commanded the believers "to stick to the *Jamā'at* and be loyal to the *Imām*." "You should hold fast to the *Jamā'at* of the Musalmāns and the *Imām*.. and if there is no *Imām*, you should prefer death."[4] "A person who deserts the Muslim *Jamā'at* and is disobedient, shall die the death of the ignorant."[5] "In time of rebellion and revolt, any at all times, remain with the Muslim *Jamā'at*."[6] The Musalmāns in order to preserve the faith, which is the basis of their life and achievement, have to organize themselves into a community. The community, on its part, is unified by a system of control exhibited by the existence of the head. And the head and the community are fastened together by means of the authority delegated to the *Amīr* and the spirit of obedience found in the members of the community and displayed to the *Amīr*.

Iṭā'at—Wider than Political Concept

The term *Iṭā'at*, unlike the Western concept of obedience, is not only used in a political sense, but is vitally and at the same time, concerned with Allāh, the *Mālik-ul-Mulk* and the Prophet of Islām. *Iṭā'at* has accordingly a three-fold significance. The importance of allegiance to authority both human and Divine, has been unequivocally emphasized in the Qur'ān and *Ḥadīth*. It is the explicit duty of every individual Musalmān first to obey Allāh, second, the Prophet and the third, the *Ul-ul-Amr* (persons in authority) from among them. "O you who believe! obey Allāh and obey the Apostle

and obey those in authority from among you."[7] The following injunctions of the Qur'ān reveal the basic principle that the foremost duty of allegiance is to Allāh and then to His Apostle. "O believers! obey Allāh and His Prophet and do not turn back from Him, while you hear."[8] "Say: surely my prayer and my sacrifice and my life and my death are (all) for Allāh, the Lord of the worlds."[9] "Our Lord! make us (Ibrāhīm and Ismā'īl) submissive to Thee, and (raise) from our offspring a people submitting to Thee, and show us our ways of devotion and turn to us (mercifully.")[10] "O you who believe! enter into submission one and all, and do not follow the footsteps of the Satan; surely, he is your open enemy."[11] "Say, thou obey Allāh and the Apostle."[12] "Surely, Allāh is my Lord and your Lord, therefore, worship Him; this is the right path."[13] "And obey Allāh and the Apostle, that you may be shown mercy."[14] "Now, surely, sincere obedience is due to Allāh (alone)."[15] "Say: my Lord has enjoined justice and set upright your faces at every time of prayer and call on Him, being sincere to Him in obedience."[16]

Right Ordering of Iṭā'at

Islām has ordered the individual's loyalty in such a manner that the first and last loyalty appertains to Allāh, then to the Prophet and the *Amīr*. Today, the human organization, both social and political, is marked by a conflict of loyalties and unless this problem is solved or adjusted, harmony in social structure and political organization cannot be achieved. *Khilāfat* as a political organization takes care of the individual, his welfare and well-being in this world and the next. The whole organization in Islām takes in view the Creator, the Prophet, the Universe, the man and society. This all-embracing character of Islām has a direct effect on the manifold activities of man in the process of his self-realization. And so that the individual may have a harmonious personality, Islām has taught mankind lessons not only in adjustment but right ordering of loyalties.

The individual Muslmān and the Muslim *Millat* are required to obey Allāh, the Apostle and the *Amīr*, but in case of difference, they are instructed to turn back to Allāh and the Apostle—the basic principles of the faith. Islām believes in a proper ordering of loyalties. A Musalmān is first loyal to his Allāh, then to the Prophet and

then to the *Amīr*, and in case of a conflict of loyalties, he is required to be loyal to Allāh and the Apostle. Islām presupposes an adjustment of loyalties to Allāh and the Apostle, for the commandments of the two are not supposed to vary. By obeying the Apostle, a Musalmān is simply obeying Allāh. There may, however, be cases of conflicts between the commands of the Apostle and the orders of the *Amir;* herein the Musalmān is definitely asked to turn back to Allāh and the Apostle. "O you who believe! obey Allāh and obey the Apostle and those in authority from among you; then if you quarrel about anything, refer it to Allāh and the Apostle, if you believe in Allāh and the last day, this is (the) better (part) and very good in the end."[17] "And in whatever thing you disagree, the judgement thereof is (in) Allāh's (hands): that is Allāh, my Lord, on Him do I rely and to Him do I turn time after time."[18] "Therefore, flee to Allāh, surely I (Prophet) am a plain warner to you from Allāh."[19] "And it behoves not a believing man and a believing woman that they should have any choice in their matter when Allāh and His Apostle have decreed an affair; and whoever disobeys Allāh and His Apostle, he surely strays off a manifest straying."[20] "So be careful of (your duty to) Allāh and set right matters of your difference and obey Allāh and His Apostle if you are a believer."[21] "O you who believe! obey Allāh and His Apostle and do not turn back from Him while you hear."[22] "And whatever the Apostle gives you, accept it, and from whatever he forbids you, refrain from, and be careful of (your duty to) Allāh; surely Allāh is severe (in chastisement)."[23] "And that to your Lord is the goal."[24] "Our Lord! on Thee do we rely and to Thee do we turn, and to Thee is the eventual coming."[25] "All people are single *Ummat*, so Allāh raised prophets as bearers of good news and as warners and He revealed with them the Book with truth, that it might judge between people in that in which they differed."[26] "But if they dispute with you, say: I have submitted myself entirely to Allāh, and (so) every one who follows me."[27]

Iṭā'at to Allāh—Absolute and Unconditional

As already stated, the concept of *Itā'at* in Islām goes far beyond the political sense. *Iṭā'at* to the *Khalīfah* or the ruler is only one part of the whole phenomenon. *Iṭā'at* to Allāh and His Apostle is absolute

and unconditional. *Iṭā'at* presupposes an explicit faith in Allāh, His Apostle and the Divine Revelation. Believing in Allāh and His Apostle is to believe in His Revelation, the Qur'ān. "You who believe! believe in Allāh and His Apostle and the Book, which He has revealed to His Apostle and the Books which He revealed before."[28] "Fear not the mankind but Me and do not take a small price for My communications."[29]

Iṭā'at instills in the individual a consciousness of his position towards Allāh, His Apostle and the *Amīr*. The individual Musalmān has faith in Allāh, His Apostle and the Revelation and as a consequence, he believes in *Iṭā'at*. The realization of the concept of *Iṭā'at* in the believing individual impels him to perform his duties and thereby he has trust in Allāh. Faith is the prime-mover of *Iṭā'at*, duty is the compelling force of *Iṭā'at* and trust in Allāh is the resultant factor in the whole process.

Believing and serving Allāh and His Apostle amounts to be careful of one's duty to Allāh. "O you who believe! be careful of (your duty to) Allāh, and let every soul consider what it has sent on for the morrow."[30] "And be careful (of your duty) to Me, O men of understanding."[31] "And be careful (of your duty) to Allāh, and know that you shall be gathered together to Him."[32] "And whosoever obeys Allāh and His Apostle, and fears Allāh, and is careful of (his duty to) Him, these it is that are the believers."[33] "Turning to Him, and be careful of (your duty to) Him, and keep up prayer and be not of the polytheists." [34] The Prophet himself is charged with duty to Allāh. "O Prophet! be careful of (your duty to) Allāh and do not comply with (the wishes of) the unbelievers and the hypocrites."[35] When a person believes in Allāh and His Apostle and is careful of his duty to Allāh, he can only have trust in Allāh. "And in Allāh should the believers trust."[36] "Follow what has been revealed to you from your Lord and do not follow guardians besides Him."[37] "The Lord of the East and the West there is no god but He—therefore take Him for a protector."[38]

It follows from the above discussion that for a believing indi-

vidual, *Iṭā'at* to Allāh and His Apostle cannot be bound by any conditions; it is obligatory.

Iṭā'at to the Apostle and the Amīr—Iṭā'at to Allāh

Those who obey Allāh, obey the Apostle and the *Amīr*. The Muslim *Millat* is called upon to pay allegiance to the Prophet and the *Amīr*, because they proclaim and enforce the law of *Sharī'aṭ*. Obedience to the commands of the Apostle and the *Amīr* amounts to submission to the Will of Allāh, as manifested in the *Sharī'at*. The Prophet said, "One, who obeyed me, obeyed Allāh; one who obeyed the *Imām*, obeyed me. One who proved faithless to me is faithless to Allāh and one who was disobedient to the *Imām*, was disobedient to me."[39] "Whoever obeys the Apostle, he indeed obeys Allāh."[40] "Surely those who swear allegiance to you (Prophet) do but swear allegiance to Allāh; the hand of Allāh is above their hands. Therefore, whoever breaks (his faith), he breaks it only to the injury to his own soul, and whoever fulfills what he has covenanted with Allāh, He will grant him a mighty reward."[41] "Whereas if they had referred it (tiding of safety or fear) to the Apostle and to those in authority among them, those among them, who are able to think out the matter would have known it."[42]

Prophet—An Example to Follow

The Prophet has been declared as an example to follow. The individual Musalmān as well as the ruler as an individual are required to follow the Prophet in all their undertakings. Those who follow the Prophet enjoin good and abstain from evil—the fundamental principle of the faith. They attach great importance to the person of the Prophet, who is to be revered above every other consideration of worldly relationship. In matters of government, the *Amīr* has to follow the rules and regulations as practised by the Prophet. This is the "right way" for the believers as it is commanded by Allāh. "Certainly you have in the Apostle of Allāh an excellent example to follow."[43] "And whatever the Apostle gives you, accept it, and from whatever he forbids you, abstain."[44] "Certainly, you have in the Apostle of Allāh an excellent exemplar."[45] Obedience

to the person of the Prophet has been authoritatively emphasized in the Qur'ān. "O you who believe! when you confer together in private, do not give to each other counsel of sin and revolt and disobedience to the Apostle, and give to each other counsel of goodness and guarding (against evil); and be careful of (your duty to) Allāh, to Whom you shall be gathered together."[46] The Prophet has a greater claim on the faithful than they have on themselves, and his wives are (as) their mothers."[47] "And We did not send any Apostle but that he should be obeyed by Allāh's permission."[48] "Believe in Allāh and His Apostle, the *Ummī* Prophet, who believes in Allāh and His words and follow him so you may walk in the right way."[49] "O you who believe! answer the (call of) Allāh and His Apostle."[50] "O you who believe! do not raise your voice above the voice of the Prophet, and do not speak loud to him as you speak loud to one another, lest your deeds become null while you do not perceive."[51]

Iṭā'at to Amīr—Conditional

The Muslim law imposes upon the individual the duty of obedience to the *Amīr*. Next to Allāh and the Apostle, *Iṭā'at* to the Amīr is emphatically announced both in the Qur'ān and *Ḥadīth*. "Obey Allāh and the Apostle and those in authority from among you."[52] "Obey, even if your *Amīr* is an Abyssinian slave."[53] "... and He does not like ungratefulness in His servants, and if you are grateful, He likes it in you."[54] "Obey every *Amīr*, pray behind every *Imām* and insult none of my companions."[55] "Listen and be obedient to your *Amīr*, who may even be a slave with his hands and feet maimed or cut."[56]

Although *Iṭā'at* to the *Amīr* has been emphasized in full, yet it is *conditional*. The Islāmic political organization is a regime of *Sharī'at* and as such the ruler and the ruled are alike subject to the provisions of law. None can deviate from that code of ethical, social and political laws formulated in the light of the *Sharī'at*. *Iṭā'at* becomes obligatory in the case of the *Amīr*, who is law-abiding and does not violate the *Sharī'at*.

As stated earlier, political authority, in the West, could be legitimately justified and legally exercised only when it was sanctioned by custom. This position is not tenable in Islām. The political

organization of Islām, which developed itself out of the social structure founded by the Prophet, effaced the old soical order along with its established practices and customs. It was *Sharī'at* or the spirit of law in Islām, which gave sanctity and stability to the whole organization, social and political. Again, it was this *Sharī'at* (Divine in origin and not man-made law) which determined the respective positions of the ruler and the ruled and specified *Iṭā'at* or allegiance to authority and the extent to which it was made permissible.

Faithful to Covenant

The Muslim *Millat* is warned against breaking their covenants with Allāh, the Apostle and the *Amīr*. The political authority in Islām is grounded in contract on covenant, and both the *Amīr* and the *Millat* are not permitted to violate the conditions involved therein. And fulfil My Covenant and I shall fulfil your covenant and Me alone, should you be afraid."[57] "And when We made covenant with you... take hold of what We have given you with firmness and bear in mind what is in it, so that you may guard (against evil)"[58] "And remember the favour of Allāh on you and His Covenant with which He bound you firmly, when you said: we have heard and we obey; and be careful (of your duty to) Allāh."[59] "O you who believe! be not unfaithful to Allāh and the Apostle, nor be unfaithful to your trusts, while you know."[60]

As against the consent theory of political obligation, Islām places the bond of *I.ā'at* on covenants. The individual Musalmān when he embraces Islām enters into a covenant with Allāh "to, guard against evil", "to be careful of duty towards Him "and" to be faithful to trusts". Islām represents a polity of trust, whereby the *Amīr* and the *Millat* are trusts and trustees of each other. *Iṭā'at* to the *Amīr*, which is a conditional obligation, finally takes the form of trust. Members of the Muslim community pay allegiance to the *Amīr*, when they regard him as their trust and the *Amīr* holds them in trust. It may be observed that while allegiance to political authority rests on the will or consent of the people in the West, Islām makes it obligatory on the part of the members of the Muslim community to be loyal to the *Amīr*, on the principle of trust, and on the condition that the head of the community rules according to the pro-

visions of the Sharī'at, which represents the Will of the Almighty Allāh.

No Revolt Without Cause

As a general principle, Islām forbids revolts; it equally condemns mischief and corruption. Rebellion against the authority without any legitimate cause is not permitted. "Eat and drink of the provisions of Allāh, and do not act corruptly in the land, making mischief."[61] *Allāh is not friend of revolts.*"[62] "Listen and be obedient to your *Amīr*, even if he be unjust, and *do not rise against him.*"[63] The Musalmāns are, however, instructed to be patient, but at the same time should not obey a sinner. "Therefore wait patiently for the judgement of your Lord, and obey not from among them a sinner or an ungrateful one."[64] "When a person finds his *Amīr* or *Hākim* doing evil, he should be patient."[65] Surely he who guards (against evil) and is patient (is rewarded). "And surely Allāh does not waste the reward of those *who do good deeds.*"[66]

Unbelievers—Not Rulers or Guardians

"Obey Allāh, the Apostle and those in authority from among you" clearly indicates that a non-Muslim cannot be the leader of the Musalmāns, and as such cannot be obeyed. Nor can an unbeliever be trusted as a guardian or friend. "Those who take the *unbelievers for guardians rather than believers;* do they seek, however, from them? Then surely all honour is from Allāh."[67] "O you who believe! do not take the unbelievers for guardians rather than the believers; do you desire that you should give to Allāh a manifest proof against yourselves."[68] "O you who believe! do not take the Jews and the Christians for friends, they are friends of each other and whosoever amongst you take them for a friend, then surely he is one of them; surely, Allāh does not guide the unjust people."[69] "O you who believe! do not take for guardians those who take your religion for a mockery and a joke, from amongst those who were given the book before you and the unbelievers."[70] "And do not incline to those who are unjust, lest the fire touch you, and you have no guardians besides Allāh."[71] "Surely, the unjust do not prosper."[72] "Do not take a protector besides Me."[73] "So do not follow the unbelievers, and strive

against them a mighty striving with it."[74] "O you who believe! do not take My enemy and your enemyfor friends; would you offer them love while they deny what has come to you of the truth."[75] "The parable of those who take guardians besides Allāh is the parable of the spider that makes for itself a house, and most surely the frailest of the houses is the spider's house; did they but know."[76] "And who is in greater error than he who calls besides Allāh upon those that will not answer him till the day of resurrection and they are unaware of their call."[77]

Individual Responsibility to Allāh

No ruler in Islām, could like James II say that he was appointed by God and that the people had no right to question his rule. Allegiance to the ruler was not based on the Divine right of Kingship. Political authority, according to Islām, is not absolute but delegated as a trust. The worldly organization is left in the hands of the community of faith, which in a corporate capacity and through the competent members elevate the most competent and virtuous person as their ruler. The people always have the right to withdraw their allegiance, whenever the ruler deviates from the path of virtue *i.e.*, *Sharī'at*. Thus, the question of allegiance being morally binding, does not arise, as man-made morality is non-existent in Islām: morality is Divinely ordained: it is a system in which law and morality interchange and represent a harmonious whole.

The *Amīr* and the individual Musalmān owe a separate responsibility to Allāh for their own deeds. The *Amīr* is held accountable for his conduct and for the trust that is reposed in him. "And whoever is grateful, he is only grateful for his own soul."[78] "O you who believe! obey Allāh and obey the Apostle, and do not make your deeds of no effect."[79] "(It is) for the poor, who fled, those who were driven from their homes and their possessions, seeking grace of Allāh and His Apostle; these it is that are truthful."[80] "And obey Allāh and obey the Apostle; but if you turn back, then upon our Apostle devolves only the clear delivery (of the message)."[81] "Say: O My servants! who have acted extravagantly against their own souls, do not despair of the mercy of Allāh: Surely, Allāh forgives the faults altogether."[82] The ruler is personally responsible for his

conduct and the subjects have no responsibility for his actions. "After me will come rulers, render them your obedience, for the ruler is like a shield wherewith a man protects himself; if *they are righteous and rule you well, they shall have their reward;* but if they do evil and rule you ill, then punishment will fall upon them and you will be quit of it, for they are responsible for you, but you have no responsibility."[83] "Obey your rulers whatever may hap, for if they bid you do anything different to what I have taught you, they shall be punished for it, and you will be rewarded for your obedience; and if they bid you do anything different to what I have taught you, the responsibility is theirs and you are quit of it. When you meet Allāh (on the day of judgement) say, O Lord! Thou didst send us prophets and we obeyed them by Thy permission, and you set over us caliphs and we obeyed them by Thy permission, and our rulers gave us orders and we obeyed them for Thy sake; and Allāh will answer, 'you speak the truth and you are quit of it."[84] "The *Imām* is like a shield under the protection of which people fight, and are guarded against evil; if the *Imām*, fearing Allāh, orders what is right, he will be rewarded; if he does otherwise, he will be held accountable."[85] "When the *Amīr* insists on the fulfilment of duties and does not offer rights to his subjects, the latter should listen and be obedient to him: he is responsible for his actions and they are responsible for theirs."[86]

Iṭā'at Fil Ma'rūf

Iṭā'at is obligatory only under the condition that the *Amīr* orders for enjoined (*Ma'rūf*) acts. The *Amīr* should enforce the provisions of the *Sharī'at* and can, thus, be entitled to the allegiance of the subjects. The orders of the *Amīr*, in short, be not derogatory to the dictates of the *Sharī'at*. Allāh's command is the supreme command, and everybody connected with the political organization of Islām is subject to that command. "*Obedience is essential only in the enjoined acts*."[87] "Obedience to the *Imām* does not imply disobedience to Allāh, but obedience only in enjoined actions."[88] "It is incumbent upon you to pay allegiance (to a Muslim ruler), irrespectively whether willingly or unwillingly, ... *until his orders are against the Sharī'at*"[89] "Obedience is obligatory until the ruler

orders the commission of a sinful act."[90] Those, who would accept their (rulers') *falsehood as Truth*, and help them in tyranny and oppression, have no relation to the Prophet."[91] "The best *jihād* is to tell the truth before the rulers."[92] "Listen and be obedient even if an Abyssinian slave is your ruler, so long as he orders according to the Book of Allāh."[93] "If a slave is made ruler over you and he *rules in accordance with the provisions of the Book of Allāh*, then obey him and act accordingly."[94] " Wherever the Book of Allāh may take you, turn that side."[95]

Amir Violating Sharī'at: Release of Allegiance

The emphasis on the allegiance of the *Millat* is not one-sided, but carries with it a corresponding duty on the part of the *Amīr* to fulfil his contract by acting according to the provisions of the *Sharī'at*. In case, the *Amīr* violates the *Sharī'at*, the *Millat* is released of its allegiance to the *Amīr*. The *Amīr* is, like the *Millat*, subject to and bound by the *Sharī'at*, which manifests the Will and Command of the Almighty Allāh. "And do not obey the bidding of the extravagant, who make mischief in the land and do not act aright."[96] "You should not quarrel with rulers in administrative matters, except when you see *kufr* (disbelief) from them."[97] *Ḥaḍrat* Abū Bakr said: "The strongest among you is weak, so long as I exact from them the due; and the weakest among you is strong so long as I do not restore to him his rightful claim. *I am only a follower. Obey me so long as I follow the truth; but if I go astray, set me aright.*"[98] "Listen and be obedient to your *Amīr*, unless he orders for any forbidden action,"[99] "......in which case, submission is not obligatory."[100] "A Musalmān has to listen and accept what the *Amīr* says, whether he (Musalmān) likes it or not; but when he is *ordered to commit some sin, he should neither listen nor admit.*"[101] "The Musalmān should fulfil the conditions of the *Bai't* offered to the *Amīr*, and Allāh will call upon them to explain their conduct regarding the trust."[102] A companion said to the Prophet, "If such (an Amīr) is appointed over us, who *does not follow your tradition nor care for your directions*, what is your instruction regarding him?" The Prophet replied,

"*who does not obey Allāh is not entitled to the allegiance of the people.*"[103] Even later day thinkers, like Al-Māwardī, admit that "in case the *Khalīfah* violates the *Sharī'at*, he cannot continue to hold the sacred office."[104]

Iṭā'at Rewarded

Those who "obey Allāh, the Apostle and those in authority from among them" are *rewarded.* It is a pious duty of every Musalmān to submit to the commandments of Allāh and His Apostle and be obedient to a just *Amīr*. "And believe in Allāh and His Apostle; and if you believe and guard (against evil) then you shall have a great reward."[105] "Say, have you received a promise from Allāh, then Allāh will not fail to perform his promise."[106] "That We might *distinguish him, who follows the Apostle* from him who turns back upon his heels, and this was surely hard except for those, whom Allāh has guided aright."[107] "And do not speak of those who are slain in Allāh's way as dead; nay (they are) alive, but you do not perceive."[108] "...... the Apostle and those who believed with him said (in afflictions): when will the help of Allāh come? Now *surely the help of Allāh is nigh.*"[109] "And whoever turns back upon his heels, he will by no means do harm to Allāh in the least; and Allāh will reward the grateful."[110] "There are Allāh's limits and whoever obeys Allāh and His Apostle, He will cause him to enter gardens beneath which rivers flow to abide in them and this is the great achievement."[111] "And whoever obeys Allāh and the Apostle, these are with those whom Allāh has blessed."[112] "Except those who repent and amend and *hold fast to Allāh* and are sincere in their obedience to Allāh; these are with the believers, and Allāh will grant the believers a mighty reward."[113] "And know that your property and your children are a temptation; and that Allāh is He with Whom there is a mighty reward."[114] "We do not waste the rewards of those who do good."[115] "Surely, he who guards (against evil) and is patient (is rewarded)."[116] "And those who are constant, seeking the pleasure of their Lord, and keep up prayer and spend (benevolently) out of what We have given them secretly and openly and repel evil with good; as for those, they shall have the (happy) issue of the abode."[117] "And whoever obeys Allāh and

His Apostle, he indeed achieves a mighty success."[118] "And (as for), those who believe and do good...... He will remove their evil from them and improve their condition."[119]

The Prophet said "when Allāh wishes good for a people, He sets over them the forbearing and the wise and places their good in the hands of the generous rulers; but when Allāh wishes evil for a people, He sets over them the witless and base and entrusts their good to avaricious rulers."[120]

Violating Contract Follows Punishment

Those who violate their contracts with Allāh, His Apostle and the *Amīr* are punished. The contractual ties are sacred and cannot be broken without punishment. The *Amīr* is also bound by the contract of Allāh: and is likewise punishable for the non-fulfilment of his duties. "They drew on themselves indignation from Allāh. This was so *because they disobeyed and exceeded the limits*."[121] "Then you turned back after that ...... you would certainly have been among the losers."[122] "Whosoever is the enemy of Allāh and the angels and the Apostles, so surely Allāh is the enemy of the unbelievers."[123] "Therefore, remember Me, I will remember you and be thankful to Me, and do not be (ungrateful) to Me."[124] "And whoever disobeys Allāh and His Apostle and goes beyond His limits ...... he shall have an abasing chastisement."[125]

Obedience and Liberty

Authority or coercive power, legally constituted, is a necessary condition for the existence of the state. For the proper functioning of government and adjustment of social relationship, a body of rules is indispensable. All this is provided by the political authority in the form of law. The exercise of authority by the state entails a number of difficulties. Are the individual members of the political society required to submit to the authority under all circumstances? What are the requirements for their submission? If so, under what conditions? This is the main problem of political obligation—a conflict between state-authority and individual liberty.

The relationship of the individual with the organized society has been a debatable issue in the political thought of mankind.

According to Mill, "the struggle between liberty and authority is the most conspicuous feature in the portion of history with which we are earliest familiar."[126] Mill has carefully traced the stages through which the power of the ruler was transformed into the power of the people. At first, attempts were made to limit the power of the ruler, then a recognition of political liberties or rights was sought, later on, constitutional checks were placed on the authority of the ruler and lastly complete limits were imposed on the power of the ruler. Thus, the ruler was ultimately identified with the people. In the words of John Stuart Mill, the object of his writing was "to assert one very simple principle as entitled to govern absolutely the dealings of society with the individual in the way of compulsion and control, whether the means used be physical force in the form of legal penalties, or the moral coercion of public opinion." The principle, according to him, was "self protection."[127] Hegel claimed to have made a successful attempt at a reconciliation of freedom and authority. Hegel, like Aristotle, thought that man alone cannot accomplish anything until the concepts of the family and civil society are realized and the ideal of the "universal order" is accomplished. The conflict between the private life of the family and the social life of the community, according to Hegel, is resolved, when the constitution of the state is imposed upon the lower level of life and consciousness. "The apparent contradiction between freedom and obedience vanishes: as the obedient citizen is the only free man as in the last analysis he only obeys himself. Freedom becomes actual only in the state."[128]

The case has been quite different in Islām. The political organization of Islām is not marked by a conflict between authority and liberty. Political authority and individual liberty are both conditioned by the law of *Sharī'at*. *Sharī'at* determines the limits (*ḥudūd*) of the exercise of political authority and specifies the extent of individual freedom. The ruler and the ruled are so fastened together by means of *'Ahd* to abide by the provisions of the *Sharī'at* that the ruler cannot claim any more powers, nor can the individual demand greater freedom of action. When the object of government is the enforcement of *Sharī'at* in which process both the ruler and

the ruled are involved and bound, the question of enhancement of political power or increase in individual liberty does not arise. As stated before, Islām prescribes even the limits of political obligation as a part of individual right.

It is only in *Amr-fil-ma'rūf* that obedience is obligatory. In a political system in which the *Sharī'at* is supreme and obligatory and both the ruler and the ruled are equally amenable to and responsible before the *Sharī'at*, the painful opposition between authority and liberty or between liberty and obedience cannot exist.

Ḥudūd and Sharī'at

It is generally held that authority makes law, laws determine rights and duties and "liberty is a product of rights."[129] Liberty is, therefore, the *condition of law*. Montesquieu has explained this phenomenon in the following words. "In governments, that is in societies directed by laws, liberty can consist only in the power of doing what we ought to will, and in not being constrained to do what we ought not to will. *Liberty is a right of doing whatever the laws permit*, and if a citizen could do what they forbid, he should no longer be possessed of liberty, because all his fellow citizens would have the same power."[130]

It has, however, been observed that men have a natural tendency to possess maximum freedom and do not like any restraints put upon their actions. But no political society can permit such freedom without restraints. "Political liberty", said Montesquieu "does not consist in an unlimited freedom to do what one pleases."[131] Liberty without restraints amounts to licence. According to Rousseau, freedom is no licence but participation in a larger life, the general will. "All that makes existence valuable to any one," said Montesquieu, "depends on the enforcement of restraints upon the actions of other people."[132] Liberty, therefore, means such freedom of action or such restraints on the individual's freedom of action as may not interfere with the like freedom of others. J. S. Mill said that the "only part of the conduct of any one, for which he is amenable to society is that which concerns others."[133] It is law alone which prescribes proper restrictions on the individual's freedom of action and it is through law that a man is made conscious of his responsibility

to other members of society, permitting others to enjoy the same freedom with the same restrictions. With reference to freedom and restraints, J. S. Mill has rightly observed that "the only case in which the higher ground has been taken on principle and maintained with consistency by any but an individual here and there, is that of *religious belief*"[134] A man of faith does not seek total or absolute liberty as he is already bound by the provisions of religion. On the other hand, he is always conscious of the restraints imposed upon his freedom of action. The object of a Musalmān's life is to strive hard for the pleasure of the Almighty Allāh by acting according to His will as revealed to the Prophet and manifested in the *Sharī'at* as a code of life, for the guidance of the believers. Emphasis has, therefore, been laid upon the faith and consequent action. Man has been created by God as a responsible being and his freedom of action is ensured through the operation of the limits (*Ḥudūd*) of the Divine Law, which prescribes the course of human behaviour in relation to others. The four-fold relationship between Allāh and the believer, between the believing individual and other individuals, between the believer and society and between the believer and the universe, is determined by the law of Islām; founded on *Sharī'at*. *Sharī'at* lies at the basis of the whole organization in Islām and the political structure entitled *Khilāfat*, being rooted in the *Sharī'at*, has the supreme duty of enforcing the *Sharī'at*. Liberty of the individual believer, whether the ruler or the ruled, lies in acting within the *Ḥudūd* of the *Sharī'at*, the Divine code of human behaviour and conduct. Religious sanction, unlike the force of man-made law, has been more effective in the enforcement of restraints (*Ḥudūd*) and enjoyment of liberty without denying the like liberty for others. *Sharī'at*, in short, constitutes the essential condition of human liberty in the Muslim society.

Iṭā'at and Ḥuqūq

Since liberty, as a product of rights, is vitally connected with the question of obedience, it is imperative to emphasize the importance of rights in the political framework of human organization. Rights are created in a political society to serve a number of ends—the most important of them is the attainment of liberty. By liberty, Laski

meant "the eager maintenance of that atmosphere in which men have the opportunity to be their best selves."[135] Or, to put it in the words of Green, rights are needed to realize oneself as a moral being, since the end of life is self-development and self-realization. Green regards rights as those social conditions which are necessary and essential to the development of human personality. He talks of the "moral ends to which the rights are relative."[136]

Unlike Hobbes, who regards rights as powers and defines contract as the "mutual transference of rights,"[137] Laski is of the view that "rights are essential for the protection and expression of human personality."[138] Rights are needed for the self-protection of men—protection from the encroachment of the government and protection from undue interference from other individuals in the sphere of his personal freedom. A safeguard is needed not only against action which may interfere with the personal liberty of another individual, but also against inaction, which may have the same effect. Mill, therefore, says "A person may cause evil to others not only by his actions but by his inaction, and in either case he is justly accountable to them for the injury."[139] "That the only purpose for which power can be rightfully exercised over any member of a civilized community, against his will, is to prevent harm to others......"[140]

Apparently it seems that liberty and obedience are contradictory terms, but on a closer examination it will be found that they are correlated. The obvious question arises, if the individual is free, how can he be called upon to be submissive or obedient to authority? True liberty is negative in character and amounts to similar restrictions on the similar actions of the similar people. Freedom is the total effect of the observance of the necessary restrictions imposed upon the individual's conduct by the political authority. It is in obedience to authority that liberty becomes an accomplished fact. In this sense, liberty is the product of political rights.

Islām is known for a two-fold system of political obligation. The individual Musalmān is bound to obey the commands of Allāh and His Apostle and then to submit to the orders of those who are in authority from among them. It is the command of Allāh that the

believers should be careful of their duties towards Him and towards his fellow men. Accordingly, the observance of their duties secures for the believers their legitimate freedom and rights—rights emanating from Allāh and rights belonging to men. "And be careful of (your duty to) Allāh by Whom you demand one of another (your rights), and (to) the ties of relationship; surely Allāh ever watches over you."[141] The master and servants too have their respective rights against each other, according to the Divine injunctions. Such rights are involved in a definite system of trust—the ruler and the ruled, the parents and children, the master and servants and husbands and wives are, respectively, trusts and trustees unto each other.

Since the individual Musalmāns possess different capabilities and therefore, enjoy different capacities according to their attainments, their rights and duties also vary. As for example, duties can be assigned only to those, who, by virtue of their moral advancement and upright conduct, can discharge the responsibilities of the office. Basic rights being almost the same for everybody, duties of responsibility and trust can only be imposed upon those, who can faithfully carry them out. The greater the responsibility, greater should be the qualifications of the incumbent. Nevertheless, it is in the context of *Iṭā'at* that these varied rights and duties find their fulfilment.

Sharī'at and Iṭā'at

The relation between law and obedience is very intimate. Law specifically determines the grounds on which is based the principle of political obligation. Law enjoys an overall position; it defines rights and liberty and also specifies the limits of political obligation. Believing in rights as force, Hobbes thought otherwise that "law and right differed as much as obligation and liberty."[142] Locke, on the other hand, placed the rights of equality and liberty into the hands of the legislature to be determined by it" as the good of the society shall require."[143] Similarly, Rousseau upholds legislature as a protector of equality and liberty. He defined "civil liberty by equality."[144] "The force of circumstances," according to him, "tends continually to destroy equality, that the force of legislation should always tend to its maintenance."[145] Turning to Islām,

we find that herein the concept of law differs widely, *Sharī'at* represents the spirit of law in Islām or the fundamental principles which when incorporated into a system or code could tend to organize the life of the individual and society. *Sharī'at* is based on the Divine Revelation and is to be distinguished from man-made laws, *Sharī'at* reigns supreme in the Muslim community as the highest and lowest member is equally subject to it and controlled by it. The respective rights and duties of the ruler and the ruled are defined by the *Sharī'at*; none can exceed the limit. In short, *Sharī'at* is the only guarantee of rights; it is the sole promoter of human freedom; it alone demarcates the sphere of authority and the limits of individual liberty and it specifically determines the grounds of political obligation.

NOTES TO CHAPTER VII

1 Arnold—Caliphate p. 48
2 لولا السلطان لاكل الناس بعضهم بعضا
3 لا اسلام الا بجماعة ولا جماعة الا بامارة ولا امارة الا بطاعة
Quoted by Muḥammad Ḥifẓur Raḥmān - Islām kā Iqtiṣādi Niẓām p. 87
4 Bukhāri-p. 178.
5 Muslim-p. 1995.
6 *Ibid.* p. 1992.
7 Al-Qur'ān 4:8 يا ايها الذين آمنوا اطيعوا الله واطيعوا الرسول و اولى الامر منكم
On the authority of Abū Dā'ūd, Ibn Kathīr repeats that it is the duty of the believer to listen to and act on the orders of the Amīr so long as the latter conforms to the distate of obedience to Allāh and his Apostle—Tafsīr Ibn Kathīr Part V p. 52.
8 Al-Qur'ān 8:3
9 *Ibid* 6:20
10 *Ibid* 2:15
11 *Ibid* 2:25
12 *Ibid* 3:4
13 *Ibid* 3:5
14 *Ibid* 3:14
15 *Ibid* 39:1
16 *Ibid* 7:3
17 *Ibid* 4:8
18 *Ibid* 42:2
19 *Ibid* 51:3
20 *Ibid* 33:5
21 *Ibid* 8:1
22 *Ibid* 8:3
23 *Ibid* 59:1
24 *Ibid* 53:3
25 *Ibid* 60:1
26 *Ibid* 2:26
27 *Ibid* 3:2
28 *Ibid* 4:20
29 *Ibid* 5:7
30 *Ibid* 59:3
31 *Ibid* 2:25
32 *Ibid* 2:25
33 *Ibid* 24:7
34 *Ibid* 30:4
35 *Ibid* 33:1

36 *Ibid* 3:13 وعلى الله فليتو كل المومنون
37 *Ibid* 7:1
38 *Ibid* 73:1
39 Bukhārī Vol II p. 67
Also Muslim Vol. V. p. 1982 Nisāī Vol. II p. 336 Mishkat Vol. II, p. 221 من اطاعنی فقد اطاع الله ومن عصانی فقد عصی الله-ومن یطع الامیر فقد اطاعنی ومن یعص الامیر فقد عصانی
40 Al-Qur'ān 4:11
41 *Ibid* 48:1
42 *Ibid* 4:11
43 *Ibid* 33:3.
44 *Ibid* 59:1
45 *Ibid* 33:3
46 *Ibid* 58:2
47 *Ibid* 33:1
48 *Ibid* 4:9
49 *Ibid* 7:19
50 *Ibid* 8:3
51 *Ibid* 49:1
52 *Ibid* 4:8
53 Bukhārī Vol. II p. 169 also Nisāī, Vol. II. p. 336.
54 Al-Qur'ān 39:1
55 Kanz Vol. III No. 3005
56 Muslim, Vol. V. p. 1983
57 Al-Qur'ān 2:5
58 *Ibid* 2:8
59 *Ibid* 5:2
60 *Ibid* 8:3
61 *Ibid* 2:7
62 *Ibid* 5:9
63 Muslim Vol. V. p. 1983
64 Al-Qur'ān 76:2
65 Bukhārī Vol. II pp. 505-506
66 Al-Qur'ān 12:10
67 *Ibid* 4:20
68 *Ibid* 4:21
69 *Ibid* 5:8
70 *Ibid* 5:9
71 *Ibid* 11:10
72 *Ibid* 12:3
73 *Ibid* 17:1
74 *Ibid* 25:5
75 *Ibid* 60:1

76 *Ibid* 29:4
77 *Ibid* 46:1
78 *Ibid* 31:2
79 *Ibid* 47:4
80 *Ibid* 59:1
81 *Ibid* 64:2
82 *Ibid* 39:6
83 Kanz Vol. III No. 2580
84 Kanz Vol. III No. 3008
85 Nisāī Vol. II p. 337
86 Muslim Vol. V. p. 1992
87 Bukhārī Vol. II p. 286 الطاعه" فی المعروف
88 Abū Dāūd p. 286 لاطاعه" فی معصیه" انما الطاعه" ، فی المعروف
Also Nisāī Vol. II p. 286
Also Mishkāt Vol. II p. 221 and 222.
89 Nisāī Vol. II. p. 328
90 *Ibid* p. 339
91 *Ibid* p. 339
92 *Ibid* p. 340
93 Bukhārī Vol. II p. 510
94 Muslim Vol. V. p. 1984
95 Mulānā Muḥammad Ja'far Shāh - Intikhāb-i-Ḥadīth p. 27
96 Al-Qur'ān 26:8
97 Bukhārī Vol. II p. 506
98 Hājī Mu'īnuddīn - Khulafā-i-Rashidīn p. 25 اطیعونی ما اطعت الله و رسوله
فاذاعصیت الله و رسوله فلا طاعه" لی علیکم
99 Bukhārī p. 506
100 Tirmidhi Vol. I p. 298
101 Muslim Vol. V. p. 1989
102 *Ibid* Vol. V p. 1989
103 Vide-Maulānā Muḥammad Ja'far Shāh - Intikhāb-i-Hadīth pp. 274 and 275
104 Mārwardī-Aḥkām-us-Sulṭāniyah p. 37.
105 Al-Qur'ān 3:18
106 *Ibid* 2:9
107 *Ibid* 2:17
108 *Ibid* 2:19 ولا تقولوالمن یقتل فی سبیل الله اموات بل احیاء" ولکن لاتشعرون
109 *Ibid* 2:26
110 *Ibid* 3:15
111 *Ibid* 4:2
112 *Ibid* 4:9
113 *Ibid* 4:21
114 Al-Qur'ān 8:3

115 *Ibid* 12:7
116 *Ibid* 12:10
117 *Ibid* 13:3
118 *Ibid* 33:9
119 *Ibid* 47:1
120 Kanz Vol. III p. 1995.
121 Al-Qur'ān 2:7
122 *Ibid* 2:8
123 *Ibid* 2:12
124 *Ibid* 2:18
125 *Ibid* 4:2
126 Mill. Masters of Political Thought Vol. III p. 65
127 *Ibid* p. 72
128 Hegel—Masters of Political Thought Vol. 21 to 23
129 Laski—A Grammar of Politics p. 142
130 Montesquieu—Masters of Political Thought Vol. II p. 228.
131 *Ibid* p. 228
132 *Ibid* p. 69
133 J. S. Mill—Utilitarianism, liberty and Representative Government p. 69.
134 *Ibid* p. 71
135 Laski—Grammar of Politics p. 142
136 Green—Principles of Political Obligation p. 244
137 Hobbes—Leviathan p. 68
138 Laski—Grammar of Politics p. 93
139 Mill—Utilitarianism, Liberty and Representative Government p. 74
140 *Ibid* p.72
141 Al-Qur'ān 4:1
142 Hobbes—Leviathan pp. 66-67
143 Locke—Civil Government p. 186
144 Rousseau—Social Contract p. 45
145 *Ibid* p. 46.

CHAPTER VIII

Sharī'at—The Spirit of Islāmic Organization

Sharī'at lies at the basis of all organization in Islām: it is the spirit of Islāmic life and achievement. It is an embodiment of the directive principles of Divine commandment, which aim at the organization of worldly affairs and the procurement of human welfare in this world and the good in the next. Allāh, the *Mālik-ul-Mulk*, is the source of the *Sharī'at*. Although *Sharī'at* has been incorrectly translated as law and popularly misunderstood as a code of legal principles, it will, on a further examination and close analysis, be found most comprehensive in its contents and much more wide in essence than mere law.

Supremacy of the Sharī'at

With the doctrine of the unity of the Divine being in Islām, supremacy of the *Sharī'at* is a natural corollary. Allāh is the *Mālik-ul-Mulk*; He is not only the creator and an object of worship but is also the giver of *Sharī'at*. The Will of Allāh is manifested in the *Sharī'at*, the path of virtue or the Divine code of ethical and social laws. "For every one of you did We appoint a *Shir'at* (Code) and a *minhāj* (way)."[1] The Holy Qur'ān claims that it came as a *perfect revelation of the Divine Will*—"This day, have I perfected for you your *dīn* and completed My favour on you and chosen for you Islām as a *dīn*."[2] "Surely, the (true) *dīn* with Allāh is Islām."[3] The

supremacy of the *Shari'at*, which, in the main, constitutes the Islāmic code of life is undisputable, and politically, the Khalīfah, the Muslim *Millat*, even the Prophet as the messenger of the *Sharī'at* being members of the Muslim society and subject to the same Code were never regarded immune or absolute. All have to submit to the *Sharī'at*, considering it as the Will and Command of Allāh. "Lo! His shall be "*Ḥukum*" (Command)[4] "*Ḥukum* (Command) is not but of Allāh."[5] "He is the King of men and is God of man." [6] Thus, the supremacy of the *Sharī'at* is one of the fundamental tenets of Islāmic polity. The *Sharī'at*, in its practical form, constitutes the Divine Code of life and is supreme over the *Amīr* and the *Millat* alike. "Obey Allāh, the Apostle, and those in authority from among you, and in case of difference turn back to Allāh and His Apostle"[7] is the basic principle of human obligation. No human laws can override the *Sharī'at*.

The organization of a *Millat* rests on a code of life, and the code of the Islāmic *Millat* is embodied in the Qur'ān. "And most surely, it (the Qur'ān) is a *guidance* and a mercy for the believers."[8] "Most surely, there is mercy in this (Qur'ān) and a *reminder* for a people, who believe."[9] The Qur'ān is "a guidance and a *mercy for the doers of goodness*." [10]

The first principle of Islāmic polity is that the *Amīr* and the *Millat* cannot violate the *Sharī'at*. The Apostle and the *Amīr* are both subject to Allāh's commands and cannot change or modify the *Sharī'at*. The *Millat* is to submit to the Apostle and the *Amīr*, because they proclaim and enforce the Divine commandments as His agents or deputies. The *Amīr* of the *Millat*, has, thus, delegated and not original powers. All Muslims have a claim to the *Khilāfat* of Allāh and every Muslim, in the real sense of the term, is a *Khalīfah* of God on earth and is personally responsible to Him. Consequently, all Muslims have equal status and enjoy equal rights in the body-politic. Equality before the *Sharī'at* or the Divine Code is the other principle of Muslim polity. So long as the *Amīr* faithfully adheres to the provisions of the *Sharī'at*, he is entitled to the allegiance of the *Millat*. The moment the *Amīr* deviates from the *path*, he is to be deposed by the *Millat*.

Western Interpretation of Law

Law, in the modern sense, expresses the will of the state. In a despotic State, it is the will of the ruler, which makes the law. But while making law, even a despot has to take into consideration the customs, habits and usages of the people. "What the King permits he commands" is, therefore, the principle. In a democratic State, law manifests the will of the people as represented by a popularly elected legislature.

Austin defined law as the command of the sovereign. This definition is defective, for as Sir Henry Maine says, it does not take into account the various customs, usages and conventions, which equally have the force of law. Woodrow Wilson, therefore, defined law as "that portion of the established thought and habit, which has gained distinct and formal recognition in the shape of uniform rules backed by the authority and power of government". Similarly, Holland characterised law as "a general rule of human action enforced by a sovereign political authority". Law is, in short, a set of those rules of human conduct, which determine the relations of the individuals themselves in an organized society and of the individuals and the state. Law, thus, represents a pattern of social behaviour or general conditions of human activity which are grounded in the will of the community and enforced by the sanction of the state. The state is regarded Sovereign, which has its manifestation in the making of laws:

Modern Definitions of Law

If we trace the history of Law, the term has been defined in several ways:

(i) Law has been defined by Aristotle, Hobbes, Locke and Rousseau as *a system of rules discovered by human reason*. "Law", said Aristotle, "contains no element of passion, but such an element must always be present in the human mind."[11] Aristotle therefore, defines law "as reason free from all passion."[12] To Hobbes and Locke, the law of nature, is the law of reason. Hobbes said, "a law of nature is a precept or general rule, found out by reason by which

a man is forbidden to do that which is destructive of his life, or taketh away the means of preserving the same, and to unite by which he thinketh it may be best preserved."[13] The "state of nature", according to Locke, "has a law of nature to govern it which obliges every one; and reason, which is that law, teaches all mankind who will but consult it that, being all equal and independent, no one ought to harm another in his life, health, liberty or possession..."[14] "Doubtless", Rousseau said, "there is a universal justice emanating from reason alone".[15] Thus, the philosophical school of the eighteenth century developed the idea of justice as an ethical principle and tried to create an ideal system of law, the law of nature, which could be discovered by human reason.

(ii) Plato, Rousseau and Laski have emphasized the importance of law in the political society as a "*binding force of political association*", *as* "*a condition of civil association and as an origin of social peace.*" "The development of human potentialities", Plato remarked, "depends on their submission to regulation of law, which binds individuals together in a political association."[16] According to Rousseau, laws are "conditions of civil association."[17] "Law", in the words of Laski, is "the origin of social peace"—"an order in which the rights he (individual) recognizes as valid find place and sanction."[18] Laski represented the sociological school of law, which did not believe in the "command" theory. Laws are obeyed not because they are commanded or feared on account of punishment but because they are the essential conditions of social living.

(iii) Apart from being conditions of civil association, Rousseau thought that laws are "*acts of general will*".[19] He explains the position thus "when the whole people decrees for the whole people it is considering only itself, and if a relation is then formed, it is between two aspects of the entire object, without there being any decision of the whole. In that case, the matter about which the decree is made is, like

the decreeing will, general. This act is what I call a law. When I say that the object of laws is always general, I mean that law considers subjects *en-masse* and actions in the abstract, and never a particular person or action."[20]

(iv) Laws are, according to Montesquieu, "*the product of political state*" and the "particular and precise institution of a legislature."[21] A distinction is, therefore, made between a law that is and not what it ought to be; the former deals with the positive or man-made law.

(v) It may, however, be remembered that legislators while making law have their vested interests in their minds and laws are made usually to suppress one class of people by the other. It is why Plato said that "each government has its own laws to suit its own interest."[22] Laws, therefore, secure the *interest of a dominant class*, as the Marxist would reply.

(vi) According to both Austin and Montesquieu, laws are the "*commands of the Sovereign*".[23] The Sovereign as a "determinate human superior" and receiving obedience from the "general bulk of a given society" issues commands which constitute nothing else than law. Law, in this sense, is defined as a command of the superior to the inferior. John Austin has been regarded as the founder of the analytical school of law.

(vii) Sir Henry Maine, the founder of the historical school of law, opposed the analytical school of Austin and criticised the latter view by stating that law was not the command of the sovereign. Law was not the product of the coercive authority of the state, but depended for its validity on the *habit and custom of the people*.

(viii) "Laws in the widest possible connotation", says Montesquieu, "are any *necessary relations arising from a thing's nature*. In this sense, all beings have their laws; the Diety His laws, the material world its laws, the intelligences superior to man their law, the beasts their law, man his laws."[24] The words relation and law are, therefore, synony-

mous—any relations between one thing and some other thing is law.

(ix) "The intelligent world" according to Montesquieu, "is far from being so well-governed as the physical..particular intelligent beings are limited by their nature..and they do not readily conform to their nature. God has, therefore, reminded them of their duty by the *laws of religion*".[25]

A concept of natural law or Divine Law was also developed in the political thought of the West. Aquinas and others regarded natural law valid when it *manifested the rational will of God.* It was an external law governing the whole universe.

(x) Rules of law and rules of *conventional morality* though having similar contents have not been regarded identical. Conventional morality gives to law a binding quality; men not only obey laws but feel they "ought" to obey the law. A.L. Goodhart defined law as any rule of human conduct which is recognized as being obligatory.[26]

(xi) Law has also been defined as a system of rules aiming to *realize justice* or universal justice, in the words of Rousseau. Accordingly, justice emanates from reason and is mutual in its nature.

(xii) The modern concept of law is that they are the judges who make law while they decide the cases in courts. Ordinarily, *Judge-made law* is considered as the genuine and practical expression of law. The Realist School, therefore, lays a great stress on the pronouncements of judges in cases placed before them, which alone can have the status of law. Law, in other words, exists only in a series of particular judgements.

Ḥukm

The above definitions are based on the assumption of state-Sovereignty. It has been pointed out earlier that the Unity of the Divine Being and State sovereignty are irreconcilable. The term *Sharī'at* in Islām may be defined as the *Ḥukm* (command) of Allāh,

manifesting His will as embodied in the Qur'ān and the Traditions of the Prophet, which govern the universal organization of Islām. The *Sharī'at*, therefore, becomes supreme in the Islāmic organization, and cannot be annulled by any authority. The Qur'ān is a revealed guidance to humanity, and embodies general principles, which should *mark the spirit of Islām in the working of the Islāmic government and social organization.*

It is obvious that *Sharī'at* and law are not interchangeable terms. *Sharī'at* is much wider in scope and contents. *Sharī'at* representing the Will and Command of Allāh, is most comprehensive in its application; it is concerned with varied relationship of man and man, of man and society, of men and the universe and of man and the Divine Being. The Western distinctions of natural law, moral law, positive law, pure or normative law, religious law, national and international law do not hold good in so far as *Sharī'at* is concerned. *Sharī'at* represents the spirit of Islāmic organization and constitutes the fundamental principles of Divine origin for human and social development.

Doctrinal Sources of Islām

The sources of law as are commonly understood in the West are custom, religion, judicial decisions, specific commentaries, equity and legislation. *Fiqh*, the source of Islāmic jurisprudence, representing a condification of *Sharī'at*, at a given time, is based on the specific doctrines of the Islāmic faith. The doctrinal sources of Islām are contained in the Qur'ān and *Ḥadīth*. The Qur'ān is the written revelation, while the *Sunna* represents the Prophetic actions. Qur'ān means recitation It is *Kitāb-Allāh* (Book of Allāh) and *Kalām-Allāh* ('Word of Allāh). The arrangement of the Qur'ān is the intermingling of the Meccan and Medinite revelations: the first grounded the believers in faith in Allāh, the other translated the faith into action. One is concerned with an Omnipresent and Omnipotent Allāh; the other with what is good and what is evil: one is generally Prophetical; the other deals with the fulfilment of the Prophecy: the first shows that true happiness of mind consists in direct communion with Allāh; the second points out how can earthly bliss may be sought in the relation of man with man.

The Qur'ān

The Qur'ān begins with a prayer and ends with a clear declaration of the Divine Unity. Its main contents may be summarized as follows:

The Islāmic code deals with the individual, home and civic life; details of the doctrine of Divine unity: Prophethood; truth of the Divine revelation; destined greatness of Islām; triumph of the Prophet; the fulfilment and establishment of the political organization; distinction between truth and falsehood; helplessness and then victory of the Musalmāns; finality of the Prophet; rise and fall of nations; truth overcoming opposition; final triumph of Islām over all faiths; great spiritual awakening to be brought about by the Holy Qur'ān; and the rise of men and nations to eminence by following the revealed truth of the Qur'ān.[27]

The Qur'ān has a Divine origin and the *greatest revelation*. It is unique in its character. "If man and *Jinn* should combine together to produce the like of this Qur'ān, they could not produce the like of it."[28] "Or do they say, he has forged it? Say, then bring ten forged chapters like it, and call upon whom you can besides God, if you are truthful."[29] "And if you are in doubt as to that which We have revealed to our servant, then produce a chapter like it, and call on your helpers besides Allāh, if you are truthful."[30] "It is a revelation from the Lord of the worlds."[31]

The Qur'ān offers the *best guidance to humanity* to reach the goal of life. "This Book, there is no doubt of it, is a guidance to those who guard against evil", "it is guidance and a good news for the believers."[32] "And this is a Book We have revealed, blessed, therefore, follow it and guard (against evil) that mercy be shown to you."[33] "Follow what has been revealed to you from your Lord."[34]

The Qur'ān not only believes in its own Truth, but also in the truth of previous scriptures. "And those who believe in that which has been revealed to thee and that which was revealed before thee"[35] "and We have revealed to thee the Book with the Truth, verifying what is before it of the book and a guardian over it".[36] The Qur'ān is, thus, the verifier and guardian of previous scriptures: it guards the original teachings of the Prophets of God, and acts as a *judge* to

decide differences between the various religions. "And we have not revealed to thee the Book except that thou mayest make clear to them that about which they differ."[37]

The Qur'ān is the *last reminder* to humanity. "And We did not send before you any but men to whom We sent revelation."[38] "And this Qur'ān is a blessed reminder, which we have revealed."[39] "And it is naught but a reminder to the worlds"[40] "And most surely, it (Qur'ān) is a reminder for those who guard against evil."[41]

Ḥadīth

The second doctrinal source of Islām is the *Sunna*, *i.e.*, custom. All the four doctors admit that the *Sunna* of the Prophet completes and explains the Qur'ān. In *Sunna*, it is said, the Prophet was also inspired. Next come the Sunna of *Ṣaḥābah* (companions) and *ṭābi'īn* (immediate followers). The authentic *Sunna* of the Prophet was the custom practised in his presence by the whole body of the companions and carefully recorded by their successors. Henceforward, it obtained the force of law ranking with the Qur'ān and the *Sunna* of the Prophet. A mass of these notes and observations was collected and is styled as *Ḥadīth*, literally meaning, narrative. Technically, *Ḥadīth*, means an act or saying attributed to the Prophet or to his companions justifying or confirming the *Sunna*.

Each *Ḥadīth* consists of two parts—the *Isnād* (actual text) and the *matan* (authorities). Soon, parties like Umayyads, 'Abbasides and 'Alids are seen fighting and disputing claims, relying on a multitude of *Ḥadīth*. Under the pressure of *ijmā'*, the need of a systematic compilation of the *Ḥadīth* was keenly felt. *'Ilm* or the science of *Ḥadīth* was created, which resulted in the collection of six books and the constitution of the famous four canonical rites. The first two in rank are Bakhārī and Muslim and the next four in importance are the collections of Abū Dā'ūd, Tirmidhī, Nasāī and Ibn Mājah.

The *Ḥadīth* are neither to be given over importance nor discredited. The *Ḥadīth* are, undoubtedly, the secondary source of the Islāmic teachings. The Holy Prophet is himself reported to have said, "there will be narrators reporting *Ḥadīth* from me, so judge by the Qur'ān; if a report agrees with the Qur'ān, accept it; otherwise,

reject it." The Holy Qur'ān, therefore, remains the real and absolute authority for the teachings of Islām, and *Ḥadīth* is accepted only subject to the condition that it does not contradict the Holy Qur'ān.

Sharī'at represents a combination of two elements—those of permanence and adaptability. The Divine commands and the Prophetic traditions constitute the permanent elements, while *Fiqh*, human endeavour to codify the *Sharī'at* in consonance with the Qur'ān and the Prophetic Traditions, involve the processes of adaptation to a given time.

Fiqh—Codification of Sharī'at

While *Sharī'at* constitutes the Divinely revealed command, *Fiqh is its human codification or the codified law of Sharī'at.* With the expansion of the Muslim power and the foundation and organization of the *Khilāfat*, a knowledge and definition of Islāmic institutions and laws, both Divine and human, became necessary. Thus, *Fiqh*, literally meaning "wisdom" or "knowledge" was formulated. Islām is essentially a legal system and the *Fiqh* embraces all the rights and obligations extended to the Musalmān in his triple capacity of believer, of man and of citizen of the *Khilāfat*, according to the Qurānic code or *Sharī'at*. The *Sharī'at* as the interpreter of the revelation, regulates the political and social life of the Musalmān. The *Fiqh* is derived from two sources—the Qur'ān and the *sunna* and may, therefore, be termed as a comprehensive code. The *Fiqh* studies the detailed organization of the political system in its component parts, the working of the machinery of government, and administration based on the assumption of a world-wide *Khilāfat* with its own distinct code dealing both with the territorial and non-territorial activities.

Logic had also to be introduced in the system and thus, *qiyās* or analogy from the Qur'ān became the third root of the *Fiqh*. A fourth root called *Ijmā'* or universal consent was necessary to determine why any doctrine obtained by *Qiyās* had a valid force. *Rāe* or liberty of opinion was not recognized as the fifth root of *Fiqh*.

By the beginning of the seventh century, the four schools of *Fiqh* were duly recognized—the schools of Imām Abū Ḥanīfah Imām Shāfi'ī, Imām Mālik and Imām Aḥmad Ibn Ḥanbal. All the

schools were regarded equally orthodox. Almost half of Islām in the world today professes the Ḥanafi *Fiqh*. The Shāfi'ī school comes next in importance.

IJTIHĀD AND IJMĀ'

Fiqh as analysed above represents a process of the condification of *Sharī'at*—a combination of the Divine guidance and human reason and understanding. The human elements in this process find their expression in *Shūrā*, *Ijtihād*, *Ijmā'*, *Rāi* and *Qiyās*.

The credit of first formulating the formula of *Ijmā'* goes to Imām Mālik. The origin of *Ijmā'* lies in the sayings of the Prophet—"My people will never agree in an error" and "disagreement is a mercy from Allāh". *Ijmā'* has been defined as "the agreement of the teachers and the learned of a certain period" on any controversial topic. What one generation of the learned legislated received the stamp of *Ijmā'* by the succeeding generation. A general consultation is not necessary, and the decision of a group of '*ulemā* may meet the approval of their colleagues: the masses having nothing to do with it. The *ijmā'* of one age may modify that of the preceding one, excepting that of the companions. Mere divergences of opinions do not impair the purity of the Islāmic system, and *ijmā'* is regarded as infallible, otherwise there could be no ultimate human authority for legislation in Islām. "*Ijmā'* is a spontaneous phenomenon, born of the need for uniformity, a manifestation of what may be called the instinct of a believing people."

It has been argued that the "door of *Ijtihād* is shut", and the learned and faithful are reduced to the position of *taqlīd*. Some assert that now *Ijtihād-i-Muṭlaq* (absolute *ijtihād*) is not possible but relative *Ijtihād* which means to explain the interpretations peculiar to each school and to discover for them new applications, is permissible.

Ijtihād is the fulfilment of the needs of the time. The so-called Muslim modernists find in the closing of the door of *Ijtihād* a "crime committed against Islām by the '*Ulemā* under the cloak of faith". As a matter of fact, the elasticity contained in the process of *Ijtihād* can very well be utilized to adapt the *Sharī'at* to the needs of the time "*Ijmā'* is a matter for a particular time and in no case signifies

an ultimate means to introduce reforms to the *Sharī'at*. It is said that Muslim parliament or *Majlis* can easily take the form of *ijmā'*.

The injunctions of the Qur'ān and the Prophet constitute a code of life for the entire humanity. They are natural laws; those who violate them do so at their own peril. Since no individual experiment could discover them, they have been revealed to mankind through the Holy Prophet; otherwise, they are as natural as the physical laws. The Qur'ānic code is the law of nature in the spiritual, physical, social and political worlds.

Implied Legislative Power

The Divine code of ethical and social laws is supreme and politically the *Amīr* and the members of the Muslim *Millat* are subject to it. By supremacy of the *Sharī'at* is meant that the Divine Will as expressed in the *Sharī'at* is immutable and cannot be amended or modified by any human agency. It does not, however, imply that the *Millat* and its *Majlis* are deprived of their law-making power. Of course, the *Sharī'at* cannot be superseded by any human law. The *Sharī'at* is in the nature of general principles or fundamentals, which being once accepted, the Muslim *Majlis* may proceed with its legislative work. The closing of the door of *ijtihād* is considered a fiction. Islām never goes to extremes; it is neither so narrow that the *fiqh* once composed by the four doctors becomes the last word; nor is it so elastic that the Muslim *Majlis* may be permitted to possess sovereign legislative power. Islām believes in its organic growth and does not deprive the *Amīr*, the individual member of the Muslim *Millat* and the Muslim *Majlis*, of their initiative and opportunity for the unfolding of their talents and capacities.

The *Sharī'at* is the basic code, and its provisions are adaptable to all ages and all conditions of life. Matters of '*Ibādāt* (Divinely created obligations) are fixed and unchangeable; but matters of *Ma'āmlāt* are left to the discretion of the *Millat*. A code in order to be effective and lasting must contain elements of rigidity, adaptability and flexibility, so as to suit the changing conditions and environments. Legislation is always needed on the happening of certain events, and Islām provides for this by leaving it to human

reason and consultation. "And consult with them upon the conduct of affairs; and when thou art resolved, then put thy trust in God".[42] The Prophet gave immediate instructions to officers and laid down provisional rules of behaviour as a guide. The Muslim *Majlis* may take the place of *ijmā'*: and the door of *ijtihād* is never considered closed in Islām. Even the *Fiqh* of Islām remains to be reconstituted in the light of modern conditions without losing sight of the fundamental principles of the *Sharī'at*.

Sharī'at and Ethics

Every organized life is marked by the existence of a certain code and institutions, and Islām also provides for the same. Islāmic life is lived according to the *Sharī'at* and Islāmic institutions, which, in pursuance of the ethical ideal, are essentially creative of social order and moral development. And this is the culture of Islām. Islām, unlike other systems, is not only the name of a type of society, but is capable of transforming the life of individuals professing the faith into a well-ordered and well-organized community of moral and material well-being. The life of Islām has a peculiar cultural force, and is distinguished by a complete organization and a unity of will and purpose in the *Millat*. Thus, Muslim society achieves its remarkable homogeneity and inner unity under the pressing influence of the Islāmic code and institutions associated with the culture of Islām. The structure of Muslim society, in other words, is entirely due to the working of Islām as a culture inspired by the specific ethical ideal.

It is the general principle of political theory that law should not be an imposition of the will of the monarch or of any governing class without any reference to the needs and welfare of the people. Law and morality are, therefore, closely related. Laws, in order to be effective, must represent the moral standard of the people. In Islām, ethics and politics, law and religion, sociology and economics are all closely interrelated. In Islām, the ethical doctrine and the Islāmic code are inter-connected; as a matter of fact, the books of *Fiqh* make no distinction between the rules of conduct and ritual. The moral teaching of Islām constitutes an integral part of a practical

code, specially designed to guide the behaviour of a believer and win the approval of Allāh.

Philosophically speaking, Islāmic political theory is normative in its character. It deals with a specific ethical ideal. The ethical ideal being the spiritual expansion of humanity, the Musalmān is directed to secure the highest well-being both materially and morally. Islām is a universal faith and the last and final message of God to humanity. The code of life, therefore, aims at human welfare. No section of humanity is debarred from following the principles of Islām. Islām is a creed of service and leads its followers to seek the welfare of man and finally perfection of humanity in a cooperative spirit. "O you who believe; when you confer together in private, do not give to each other counsel of sin and revolt and disobedience to the Apostle and give to each other counsel of goodness and guarding (against evil)"[43]

The chief formative factor in the life history of the Muslims is the ethical ideal that Islām puts forth and a definite type of polity that it establishes in pursuance of the ideal; the attainment of the former is the end and the construction of the latter is the means to that end. The Islāmic political organization or *Khilāfat* is, in short, a human effort to realize the ideal.

Enjoin "good" and forbid wrong—Islāmic Ethical Ideal

Islām sets forth a standard of conduct. Every body connected with the Islāmic polity and organization whether he is an *Amīr* or an ordinary member of the Muslim *Millat* is directed to "enjoin good and forbid wrong". "Those who, should we establish them in the land, will keep up prayer and pay the poor rate and enjoin good and forbid wrong (*Amr-i-bil Ma'rūf Nahī 'anil munkar*)."[44] "Surely, Allāh's guidance, that is the (true) guidance."[45] "Those, who believe and do *good*" means that belief in Allāh carries with it a principle of action. "O you who believe! be careful of (your duty to) Allāh and seek means of nearness to Him and strive hard in His way that you may be successful."[46] "And clothing of piety that is the best."[47] "Piety is not that you shall turn your faces towards the east or the west."[48] "Righteousness is that one should believe

in Allāh and the last day and the angels and the Book and the prophets, and give away wealth out of love for Him to the near of kin and the orphans and the needy and the way-farer and the beggar and for (the emancipation of) the captives, and keep up prayer and pay the *Zakāt*; and the performers of their covenants when they have covenanted, and the patient in distress and affliction and in time of conflict—these are they who are *true* (to themselves) and these are they who guard (against evil).[49] The moral ideas of Islām are embodied in the term *muruwwa* (literally meaning virtue). Righteousness, therefore, consists not in formalities but in accepting and following the principles of the faith and in sympathetic and equal treatment of fellowmen. "Good" and "evil" must be followed with their respective consequences. "And (as for) those who believe and do good deeds—We shall make them enter (a state of) great happiness."[50] "The provision of this world is short, and the hereafter is better for him who guards (against evil)...[51] "And whoever taketh Satan for a patron, instead of Allāh, shall surely suffer a manifest loss."[52]

Rightness or wrongness of conduct may be considered with reference to their tendency to good or to evil. Conduct is right, when it is according to rule and conduct is good when it is valuable or serviceable for some end. Thus, the supreme good is the supreme end at which we aim. The ethical ideal in Islām is the spiritual expansion of humanity, and the end, therefore, is the perfection of mankind. Perfection has reference to that stage of the highest well-being to which humanity may attain. Righteousness or moral well-being consists in seeking Allāh's pleasure to the full. "So whosoever hopes to meet his Lord he should do good deeds and not join any one in the worship of his Lord."[53] The Will of Allāh is manifested in that ethical and social code of human guidance called the *Sharī'at*. In Islām, both the individual and the *Millat* have the same end—to obey the Will of God by acting according to the law of God.

Islāmic political theory is concerned with the specific ethical ideal—the raising of humanity to the highest well-being both materially and morally by means of an extensive commonwealth built upon the belief in one God, Omnipresent and Omnipotent. It is towards

this ideal that the Muslim is directed. "This Book (Qur'ān) there is no doubt of it, is a guidance to those who guard against evil."[54] "The end is for those who guard (against evil)."[55] The rightness or wrongness of a Musalmān's conduct consists in its serviceableness for the end. That conduct is alone right, which is according to the spirit of *Sharī'at*, and that conduct is good, when it is serviceable to secure the highest well-being of the individual, the *Millat* and of humanity. "Enjoin right and forbid wrong" is a duty imposed on the Musalmān and *Sharī'at* will tell him, what is right (that is, what is to be enjoined) and what is wrong (that is forbidden).

It is this ethical ideal of Islām, which furnishes those basic emotions and loyalties which may gradually unify scattered individuals and groups and finally transform them into a well-knit people called the *Millat* possessing a moral consciousness of its own. When a number of individuals profess Islām, they adhere to its principles and acquire a passion for it: they are loyal to Islām, they are loyal to their brethren-in-Islām, they are loyal to their leader-in-Islām, and firstly and lastly loyal to their Allāh. These emotions and loyalties create a solidarity, which is so essential to the development and organization of a corporate life. This organized life is marked by the attainment of a moral consciousness on the part of every member and an incessant striving towards the realization of the ideal.

Sharī'at—no distinction between legal and moral Law

Sharī'at does not postulate a distinction between legal and moral law; it is more comprehensive than mere law. It is all-embracing in character. *Fiqh*, the codified *Sharī'at*, is the product of the employment of human reason in principles of Divine origin and Revelation. The moral principles of Islām are also Divine in nature and included in the revelation. Hence, the distinction between legal and moral aspects of human and social conduct goes away. That alone is legal, which is in accordance with the spirit of the *Sharī'at*: that alone is moral, which is in consonance with the dictate and provisions of the *Sharī'at*.

In the West, a distinction is made between law and morality. The *Sharī'at* of Islam, however, contains both the elements of law and morality—not law and morality in the Western sense, but in the

Islāmic sense. Unlike the Western concept of law, *Sharī'at* embraces the whole life of man, his thoughts, motives and actions. *Sharī'at* is not a matter of inner self or conscience but is also equally concerned with the outward conduct of man—his actions and deeds. *Sharī'at* is the universal as well as the individual application of Divine principles for human conduct and behaviour.

Sharī'at is the source and *Fiqh* is its manifestation. *Sharī'at*, therefore, presides over the so-called legal and moral aspects of the code of life. And so also the question of legal or moral conscience does not arise in Islām.

Unlike the Western concept of law, *Sharī'at*, is a matter of human conviction. Those who believe in Allāh and His Apostle, believe in the Qur'ān—His revelation and the *Sharī'at* contained therein. It is this faith or conviction that prompts them to submit to the *Sharī'at*. Of course, *Sharī'at* is to be enforced by the government. It is, thus, a matter both of conviction and obligation.

The *Sharī'at* of Islām, unlike the Western system of law, is not based on expediency and changing standards of right and wrong. The ethical standard of Islām signifying the concepts of right and wrong is fixed for all times. It has been explicitly commanded in the Qur'ān that the believers are required to "enjoin the good and forbid the wrong".[56] The duty of the government is to enforce this ethical ideal.

According to the Western legal system, a person who violates or disobeys law, is punished by the government. In Islām, a person who violates the *Sharī'at*, is, in addition to punishment by government, also earns social disapproval in this world and Divine punishment in the next.

Obedience to Sharī'at

The greatest controversy of Western political theory has been the question—why should law be obeyed? What are the grounds on which obedience to law can be justified? The different theories of modern law have already been enumerated.

The reason theory implies that law represents a system of rules discoverable by human reason and since law is the product of reason, it must be obeyed by reasonable persons. There are, how-

ever, two difficulties in this. Firstly, it is difficult to find out the collective reason of the community and secondly, the element of passion cannot be divorced from human reason. Ibn Khaldūn said that when men make law it is based on the selfish interests of a class of people to rule over the other section of the community."[57] An element of human reason is essential in the making of law, but the element of passion can be avoided if human reason is subordinated to the Divine commandment. Islām has, therefore, stressed upon the supremacy of the *Sharī'at*, an embodiment of Divine Will and commandment, and has at the same time allowed a free play of human reason to codify the *Sharī'at* in keeping with the spirit and requirements of the time.

There is no doubt that in a political society, law is a binding force of political organization and a guarantee of social peace. The question, however, arises whether law made by man or law made under Divine inspiration and guidance would be more conducive to its maintenance and obedience. *Khilāfat*, the political organization of Islām, rests on the *Sharī'at*: it is the duty of the *Khalīfah* to enforce the *Sharī'at*. It is again, the *Sharī'at* that gives stability to the institution of *Khilāfat*. *Fiqh* as a codified *Sharī'at* for a particular age and time will be most effective in the establishment of an Islāmic political organization and more acceptable to the community of faith in its adoption and application.

Legislation has been regarded as the main source of law in the West. In Islām, however, the legislative power of the community is subordinated to the *Sharī'at*. *Sharī'at* is supreme, but the community is permitted to legislate under the immutable principles of the *Sharī'at*. Legislative freedom is not marred but subjected to the Divine principles of guidance and control.

Law does imply an element of command. The question however, is whether the command is of a determinate human superior or of God, the Almighty. *Sharī'at*, in Islām, constitutes the Will and Command of Allāh. Hence, the concept of *Sharī'at* is very much different from the term, law. It is already stated that *Sharī'at* is more comprehensive than law.

The command theory[58] described above lacks a proper Divine sanction and the laws issued as commands by the political superior

have to be obeyed for fear of coercion and punishment. This is not a happy situation for an organized society of men. The goal of life in Islām is to seek the pleasure of Allāh, which can be obtained by submitting to His will and Command as embodied in the *Sharī'at* which is cheerfully obeyed by the believing community. The individuals in such a society acquire a virtuous conduct enabling them to secure the good in this world and in the next. The pertinent question as to where the moral duty comes from is also, in this way, solved.

The pure theory of law believes in a normative hierarchy. It is characterized by the basic norm like the British Parliament in England or the Constitution in the U.S.A. representing legal postulates which confirm the legality or otherwise of any rules of conduct or behaviour. Herein also the question arises why should such legal postulates be considered binding?

In short, in a legal context, law is binding in character when it satisfies the criteria of validity of a particular legal system. In a moral context, people obey the law for reasons other than legal. The legal and moral obligations are, therefore, different. In Islām, the legal and moral reasons coincide; what is legal is also moral and what is morally binding is also legally obligatory for law and morality emanate from the same source—the Divine Will and His Commands. *Taqwā* or righteousness is nothing else than *Sharī'at*—abidedness.

"The real weakness of Khārijism" said H. A. R. Gibb, "is not its theological structure, which is highly logical, but the all-too-human fact, that 'deviation' from the path is, until it becomes notorious, a matter open to so much variety of judgment that it inevitably produces discord and ultimately anarchy."[59]

In a society like that of Islām, where the elements of rigidity and adaptability go hand in hand and account for its success in this world and good for its members in the world beyond, the institution of *Quḍa* plays its essential role to determine what is or is not in consonance with the *Sharī'at* or *Fiqh*, the codified *Sharī'at*, in a given era. The political organization of Islām can only work when the two ideals of lasting importance are realized—(i) the codification of *Sharī'at* and (2) the institution of *Quḍā*.

NOTES TO CHAPTER VIII

[1] Al-Qur'ān 5, 7. All the S͟harī'ats were marked by the inclusion of the principle of the Unity of God, but differed in general regulations. Thus the unity of Dīn was emphasized throughout—Tafsīr Ibn Kat͟hīr Part VI p. 107

[2] Al-Qur'ān 5 : 1.

[3] *Ibid.*, 3: 2.

[4] *Ibid.*, 6:8 الا له الحكم

[5] *Ibid.*, 6:7 ان الحكم الا لله

[6] *Ibid.*, 114:1

[7] *Ibid.*, 4:8

[8] *Ibid.*, 27 : 6.

[9] *Ibid.*, 29 : 5.

[10] *Ibid.*, 31 : 1.

[11] Aristotle—*Politics*, p. 141.

[12] *Ibid.*, p. 146.

[13] Hobbes—*The Leviathan*, p. 66.

[14] Locke—*Civil Government*, p. 123.

[15] Rousseau—*Social Contract*, p. 32.

[16] Plato—*Republic*, p. 339.

[17] Rousseau—*Social Contract*, p. 34.

[18] Laski—*A Grammar of Politics*, p. 250.

[19] Rousseau—*Social Contract*, p. 33.

[20] *Ibid.*, p. 33.

[21] Montesquieu—*Masters of Political Thought*, Vol. II, p. 224.

[22] Plato—*Republic*, p. 339.

[23] Austin—*Gettell's History of Political Thought*, p. 316.

[24] Montesquieu—*Masters of Political Thought*, Vol. II, p. 223.

[25] *Ibid.*, pp. 224 and 225.

[26] Benn and Peters—*The Principles of Political Thought*, pp. 67 and 68.

[27] *See* Maulānā Muḥammad 'Alī—*Introduction to the study of the Holy Qur'ān*, Chapter I.

[28] Al-Qur'ān, 17 : 1

[29] *Ibid.*, 11 : 2 also 10 : 4

[30] *Ibid.*, 2 : 3

[31] *Ibid.*, 69 : 2.

[32] *Ibid.*, 27 : 1.

[33] *Ibid.*, 6 : 20.

[34] *Ibid*, 7 : 1.

[35] *Ibid.*, 2 : 1.

[36] *Ibid.*, 5 : 7

37 Al-Qur'ān., 16 : 8
38 *Ibid.*, 21 : 1.
39 *Ibid.*, 21 : 1.
40 *Ibid.*, 68 : 2.
41 *Ibid.*, 69 : 2.
42 *Ibid.*, 3 : 17.
43 *Ibid.*, 58 : 2.
44 *Ibid*, 22 : 6.
45 *Ibid.*, 2 : 14.
46 *Ibid.*, 5 : 6.
47 *Ibid.*, 7 :3. ولباس التقوى ذالک خیر The garment of piety is better than any other clothing or article of adornment. By the garment of piety is meant the fear of Allāh"— Tafsir Ibn Kathir Part. VIII pp. 56 & 57.

48 Al-Qur'ān, 2 : 22.
49 *Ibid*, 2: 22.
50 *Ibid.*, 4 : 8.
51 *Ibid.*, 4 : 11.
52 *Ibid*, 4 : 18.
53 *Ibid.*, 18 : 11.
54 *Ibid.*, 2 : 1.
55 *Ibid.*, 11 : 4. ان العاقبة للمتقين
7 : 15 والعاقبة للمتقين
56 *Ibid.*, 2 : 25.
57 Ibn—Khaldūn—The Muqaddimah p. 218.
58 Law was defined by Austin as the command of the Sovereign.
59 From Prof: H. A. R. Gibb's letter to the writer dated 16th March, 1951.

CHAPTER IX

Means of Stability in *Jihād*

Imperative War in Islām:

There are in the Qur'ān, provisions for the guidance of the Islāmic political organization in times of peace, war and neutrality, which can very well form the basis of Islāmic nature of international law. There are two main theories advanced in regard to *Jihād:* the one particularly in the West, which regards all wars in Islām as *offensive:* the other held by the Muslim writers that wars have always been *defensive* in Islām. As a matter of fact, both the theories are based on wrong presumptions. The very consideration of offence and defence has no moral foundation in Islām. *Jihād* is in the "way of Allāh" and therefore to be conducted in accordance with His Commandments. It is accordingly the Divine injunction that can make *Jihād* valid; it is a legal proposition. Wars in Islām are *imperative:* it is under defined conditions that the waging of war becomes obligatory—not a question of offence at all or defence as such. The whole moral force underlying the Divine Command, obedience to His injunctions and His rewards would vanish at the touch of such considerations. No doubt, defence is one of the many conditions, under which *Jihād* is made obligatony on the Muslim *Millat.* The simple proposition is to determine the conditions or limits prescribed by Allāh, under which wars are Divinely enjoined and can be justified. "Fighting is enjoined on you, and it is an object of dislike to you; and it may be that you dislike a thing while

it is good for you, and it may be that you love a thing, while it is bad for you, and Allāh knows, while you do not know".[1] *Jihād* is not to be shirked for fear of death, because "wherever you are, death will overtake you."[2] Again, the believers are ordered to wage *Jihād* thus, "O you who believe! be careful of (your duty to) Allāh and seek means of nearness to Him and wage *Jihād* in His way".[3]

The foremost duty of every Musalmān is to defend his faith in his individual and corporate capacities. The Muslim *Millat* organized politically as *Khilāfat* has two-fold functions to perform-the preservation of the faith and the organization of worldly affairs. *Jihād* constitutes the most effective weapon to defend the faith and the way of Allāh. Thus, the unbelievers who hinder the "way of Allāh" and those who turn away from the battle are both condemned in the Qur'ān. "Surely, those who disbelieve spend their wealth to hinder (people) from the way of Allāh; so they shall spend it, then it shall be an anguish unto them, then they shall be overcome; and those who disbelieve shall be driven together to hell."[4] The believers are warned thus "And be not like those who come forth from their houses vaunting and to be seen of men, and hindering others from the way of Allāh."[5]

Fighting is enjoined on the believers" until there is no more persecution and *dīn* is only for Allāh"[6].

Significance of Jihād:

Next to *Imān* is *Jihād.*[7] Of all actions ('Amal), *Jihād* is the noblest[8] and all the sins, excepting debt, will be pardoned by Allāh, of the person who dies in the way of Allāh with patience and sincere intention."[9] So much so that one who earnestly prays for *Shahādat* (martyrdom) and yet if he dies a natural death, will receive the rank of *Shahīd.*"[10] Intention and action are the two ingredients of *Jihād.* Eternal good, therefore, consists is one's offering for *Jihād,*[11] fasting, prayer and spending in *Jihād,*[12] and keeping a horse with a view to waging *Jihād.*[13] Likewise good also consists in helping the *Mujāhids* by preparing uniforms for them and by offering services to them.[14]

Jihād is *Farḍ-i-Kifāyah* and not *Farḍ-'Ain.* Nisāī explains the position thus, "When some fight, others abstain, the latter are

forgiven, but when all abstain, then all are sinners."[15] *Jihād* is enjoined on the whole *Millat:* it is a collective undertaking and not an individual one.

The significance of *Jihād* may be determined from a saying of the Prophet, that "*no person who dies wishes to return to this world, but the martyr* (*Shahīd*) *who wishes to return to this world so that he may again be a martyr.*"[16]

The purpose of *Jihād* in Islām is a real service to humanity, the latter is not possible without the former. The Qur'ān defined the goal of the Muslim community thus, "you are the best *ummat* raised up for (the benefit of) men: you enjoin what is right and forbid what is wrong and believe in Allāh."[17] It is, therefore, evident that the Muslim *Millat* has been created for the benefit and service of humanity as they enjoin the right, which is the highest ideal. *Jihād* is only the means by which this highest ideal can be realized. The Muslim *Millat* is required to acquire power to enjoin right and forbid wrong so as to further the cause of human welfare. It is the duty of those who are in power in Islām to keep up prayer, pay *Zakāt* and "enjoin good and forbid wrong." The welfare of humanity depends on the existence of the Muslim *Millat*. "And among you there should be a party who invite to good and enjoin what is right and forbid the wrong, and these it is that shall be successful."[18] The Prophet said "it is incumbent on you that you seize the hand of the evil doer and turn it towards the good".[19]

Jihād is not obligatory on the incapable."[20] "There is no harm in the blind, nor is there any harm in the lame, nor is there any harm in the sick (if they do not go forth for *Jihād*."[21] Sons require the permission of the parents to join the *Jihād* and women should seek permission of their husbands to participate in *Jihād*.

Meaning of Jihād:

Jihād is a fight in the "way of Allāh." One who fights to uphold the *faith*, he fights in the way of Allāh."[22] A section of my *Ummat*," said the Holy Prophet, "will continue fighting for the *Ḥaq* (Truth)."[23] "*Siyaḥat* (visit) of my *Ummat* is to wage war in the way of Allāh."[24] "*Voyage* by sea in the cause of *Jihād* is

good."[25] And Allāh is *Za'īm* (Protector) of one who steps forward to wage *Jihād* in the way of Allah.[26] "So one who died, never waged *Jihād*, nor intended to fight for *Jihād* in his heart, then he died like a *Munāfiq*"[27] "Those who stay at home and those who wage *Jihād* cannot be equal in status."[28]

One who watches the goods and property of the *Ghāzī*, he also waged *Jihād*.[29] Women of the *Mujāhids* are to be held in respect and honour.[30]

The Qur'ānic injunction—"spend in the way of Allāh and do not throw your lives in waste (*halākat*) means wage war and do not be engrossed in the upkeep of property (which is *halākat*) in perference to *Jihād*.[31] One, who is willing to wage *Jihād* for the sake of money is like a labourer working for money.[32] The best among you are those who fight in the way of Allāh with their riches and their lives."[33] "The Apostle and those who believe with him strive hard with their property and their persons."[34] "Those who walk in His way;[35] those whose feet are covered with dust in His way;[36] those who kept awake in His way;[37] those who leave their homes early morning in His way[38] and those who leave in the evening[39] are all *Mujāhids*.

Jihād, should be without any motive or end. "Some fight for their name, others for wealth, others for their superiority, but he alone fights in His way, who fights *so that the name of Allāh be* glorified."[40] "One who fights only for the name of Allāh is waging war in the way of Allāh."[41]

The Mujāhid:

Mujāhids have been defined by Abū Dā'ūd as "people of Allāh and ordered" 'ride forth."[42] *Mujāhid* will have garden as reward.[43] All sins of the *Mujāhid* will be effaced except debt.[44] Person of fifteen years of age were admitted in the army to wage *Jihād*."[45] Women can go in with others for *Jihād* or to serve people in *Jihād*.[46]

The *Mujāhid*, like other believers, is not exempted from offering prayers. The Qur'ān enjoins on the believers to "attend constantly to prayer and to the excellent prayer, and stand up truly obedient to Allāh."[47] In case of fear and danger from the side of the enemy,

the *Mujāhid* is excused for shortening the prayers in accordance with the following Qur'ānic injunctions. "But if you are in danger, then (say prayers) on foot or on horse back, and when you are secure, then remember Allāh as He has taught you what you did not know."[48] "And when you journey in the earth, there is no blame on you if you shorten the prayer, if you fear that those who disbelieve will molest you; surely, the unbelievers are your open enemies."[49]

Mujāhids are, however, instructed to offer prayers in turns. "And when you are among them and keep up the prayer for them, let a party of them stand up with you and let them take up their arms, then when they have protected themselves let them go to your rear, and let another party who have not prayed come forward and pray with you, and let them take their precautions and their arms."[50]

Mujāhids are those who are *drowned*; die of *plague*; are *burnt*, die while giving birth to a child; die of *stomach ailment*.[51] One who is killed in *protecting the children*, is a *Shahīd*.[52] One who is killed in suppressing opposition is a *Shahīd*.[53] The Prophet said, "No person who dies wishes to return to this world, but a martyr, who wishes to return to this world so that he may again be a martyr."[54] It is related in *Muslim* that "There are hundreds of stages for *Mujāhidīn* and the distance between any two stages is as much as between the heaven and the hell."[55]

Internal Solidarity:

Danger from internal enemies is to be guarded. There is no *Jihād* of Muslims against Muslims. "Thus one, who raises a weapon upon us (Muslims) he is not from among us."[56] Similarly," one who deserts the Muslim group and joins another is unbeliever and deserves death."[57] "And when a Muslim attacks another Musalmān, he earns hell."[58] The Holy Qur'ān refers to such people in the following words. "Have you not seen those who befriended a people with whom Allāh is wrath? They are neither of you nor of them, and they swear falsely while they know."[59] Such people "make those others to serve as a cover so they turn away from Allāh's way: therefore, they shall have an abasing chastisement."[60]

As a consequence, "neither their wealth nor their children shall avail them ought against Allāh; they are the inmates of fire, wherein they shall abide."[61] "All treacherous people and promise-breakers", said the Prophet, would be identified by a separate flag on the Day of Resurrection."[62]

"The believers are but brethren, therefore, make peace between brethren and be careful of (your duty to) Allāh that mercy may be had on you."[63] "Surely, Allāh loves those who fight in His way in ranks as if they were a firm and compact wall."[64] "And if two parties of the believers quarrel, make peace between them but if one of them acts wrongfully towards the other, fight that which acts wrongfully until it returns to Allāh's command, then if it returns, make peace between them with justice and act equitably, surely Allāh loves those who act equitably."[65]

Internally, there are many adversaries to whom Allāh addresses as follows: "And among them is he whose speech about the life of this world causes you to wonder, and he calls on Allāh to witness as to what is in his heart, yet he is the most violent of adversaries."[66] The Prophet was commanded by Allāh to strive hard against the unbelievers and the hypocrites.[67] "If they do not withdraw from you and (do not) offer you peace and restrain their hands, then seize them and slay them."[68] The hypocrites" enjoin evil and forbid good and withhold their hands; they have forsaken Allāh so He has forsaken them."[69] "When the hopocrites come to you, they say; we bear witness that you are most surely Allāh's Apostle and Allāh knows that you are most surely His Apostle—they make their oaths for a shield, and thus turn away from Allāh's way; surely vile is that which they have been working."[70]

The hypocrites refuse to fight and question "Our Lord! why hast Thou ordained fighting for us."[71] They hold secret counsels to which the Qur'ān refers in the following words "And they say; obedience. But when they go out from your presence, a party of them decide by night upon doing otherwise than what you say."[72] "There is no good in most of their counsels."[73] They also spread false news. "And when there comes to them news of security or fear, they spread it abroad."[74] "Verily, the hypocrites shall be in

the lowest abyss of the fire."[75] "They are deceitful and accuse the innocent."[76]

It has been commanded in the Qur'ān that the hypocrites are not to be treated as friends but as enemies. "Take not from among them friends until they fly (their homes) in Allāh's way; but if they turn back then seize them and kill them, wherever you find them, and take not from among them a friend or a helper."[77] The cause of the hypocrites is not to be pleaded as it is commanded by Allāh—"And do not plead on behalf of the deceivers."[78]

Imperative Conditions:

Jihād was ordered at Medina, (and not at Mecca).[79] To go in for *Jihād*, permission of parents is necessary.[80] *Jihad* is essential against all rulers who are tyrants.[81] Those who fight you, fight against them and Allāh helps those who do like this.[82] The Prophet ordered "go on fighting till the enemy recites the *Kalemah* then his life and property are saved."[83] But before attack, it was the tradition of the Prophet to "call upon the enemy to accept Islām."[84] "If they accept Islām, ask them to migrate with the *Muhajirīn* so that they may be treated equally with the latter. In case they refused to leave their country, they should be treated like ordinary Muslims. But if they refuse to accept Islām, they must pay *Jizya* and if they accept this position, they should be forgiven. In case they refuse to pay *Jizya*, then seek the assistance of Allāh and fight with them."[85] "Allāh only forbids you respecting those who made war upon you an account of (your) faith and driven you forth from you houses and backed up (others in your expulsion), that you make friends with them and whoever makes friends with them, these are the wrong doers."[86] "One can take pride in fighting against infidels."[87]

"First of all, a commander of forces is to be appointed."[88] At the commencement of war, the Muslim aımy should pray to Allāh for victory.[89] The Prophet ordered the *Amīr* of the army to fear Allāh and to be kind to his fellow-fighters; they wage *Jihād* in the name of Allāh and in the way of Allāh against those who do not believe in Allāh. "Do not wish to meet the enemy in battle but

when you meet them then be patient."[90] The Prophet added, "Paradise is under the shadow of swords"[91] "*Jihād* is to be waged in the forenoon or afternoon."[92] The Prophet never attacked the enemy at night.[93] At the time of fight, either keep quiet or remember Allāh.[94] Whenever the Muslim army comes across a mosque and listen to *Adhān* they should stop slaying.[95] The houses of the infidels may be burnt and laid waste.[96] Noses and ears of infidels are not to be cut off.[97] Minor children and women are not to be killed.[98] In emergency, the cutting of trees belonging to the enemy and burning them are permissible.[99] The Prophet ordered "People should not be burnt in war."[100]

"If any person attacks on property, he should be threatened with the name of Allāh; if he does not fear Allāh then seek the assistance of Musalmāns; if there is no Musalmān, the ruler be approached; if the ruler is helpless, fight him till either you are killed and become martyr or save your property."[101]

The Prophet did not permit the doing of trade or business during the course of *Jihād*.[102] There should be no hesitation or excuse in waging *Jihād*. "O you who believe! what (excuse) have you that when it is said to you, Go forth in Allāh's way, you should incline heavily to earth; are you content with the world's life instead of the hereafter? But the provision of this world's life compared with the hereafter is but little."[103] "They only ask leave (from fight) who do not believe in Allāh and the latter day and their hearts are in doubt."[104] "The way to (blame) is only against those who ask permission of you while they are rich."[105]

The believers pledged their lives and property in Allāh's way. "Surely, Allāh had bought of the believers their lives and their riches for this that they shall have the garden; they fight in Allāh's way, so they slay and are slain . . . rejoice therefore in the pledge which you have made; and this is the mighty achievement."[106]

The believers are called upon to be ready for *Jihād* at all time. "Whenever you are called upon to wage *Jihād*, be ready" is the order of the Prophet.[107] "And prepare against them what force you can and horses tied at the frontier, to frighten thereby the enemy of Allāh and your enemy and others besides them . . . and whatever

thing you will spend in Allāh's way, it will be paid back to you fully and you shall not be wronged."[108]

Muslims remaining with the enemy were required to migrate. This is the Divine order for those who could manage to fly. "Surely (as for) those when the angels cause to die, while they are unjust to their souls, they shall say; In what state were you? they shall say; we were weak in the land. They shall say; was not Allāh's land spacious, so that you should have migrated therein? So these it is, whose abode is hell, and it is an evil resort."[109] "He it is who made this earth subservient to you, therefore, go about in the spacious side thereof."[110] "Except the weak from among the men and the women and the children who have not in their power the means nor can they find a way (to escape)."[111] "So these it may be, Allāh will pardon them, and Allāh is Pardoning, Forgiving."[112] "And whoever flies in Allāh's way, he will find in the earth many a place of refuge and abundant resources; and whoever goes forth from his house flying to Allāh and His Apostle, and then death overtakes him, his reward is indeed with Allāh and Allāh is Forgiving, Merciful."[113] "And (as for) those who fly in Allāh's way and are then slain or die, Allāh will most certainly grant them a goodly sustenance."[114]

"And (as for) those who believed and fled and struggled hard in Allāh's way, and those who gave shelter and helped, these are the believers truly; they shall have forgiveness and honourable provision."[115] "And (as for) the foremost, the first of the *Muhājir* and the *Anṣār*, and those who followed them in goodness, Allāh is well-pleased with them and they are well-pleased with Him.[116]

The Prophet ordered migration from the *Dārul Ḥarb*."[117] *Hijrat* does not only mean leaving one's country but also abstaining from sins [118] or restraining from things forbidden by Allāh."[119] "*Hijrat* will not cease till *Tauba* ceases and *Tauba* shall not cease till the sun rises from the West."[120]

"After the conquest of Mecca, the condition of *Hijrat* (i.e. not to return to their former home from where they migrated) becomes null and void."[121] Although *Hijrat* ended with the *Muhājirīn* but *Bai't* may be offered for Islām, *Jihād* or *Taqwā*.[122] The *Mujāhidīn* offered *Bai't* to the Prophet promising that they

would not fly away [123] and on another occasion, they promised by *bai't* to lay down their lives.[124]

Jihād is enjoined on the believers against mischief. "Whoever slays a soul, unless it be for man slaughter or for mischief in the land, it is as though he slew all mankind, and whoever keeps it alive it is as though he kept alive all mankind."[125] So Allāh commanded "Eat and drink of the provisions of Allāh, and do not act corruptly in the land, making 'mischief.'[126] "Allah does not like mischief-making."[127] "And do not make mischief in the land."[128] "And do not seek to make mischief in the land, surely, Allāh does not like the mischief makers."[129] "The way (to blame) is only against those who oppress men and revolt in the earth unjustly; these shall have a painful chastisement."[130]

The first principle of Islām is that life is to be respected and right to life is to be accorded to all human beings. Allāh prescribed this principle by commanding that "Whoever slays a soul, unless it be for man slaughter or for mischief in the land, it is as though he slew all mankind; and whoever keeps it alive, it is as though he kept alive all men.[131] The killing of an innocent life, therefore, tantamounts to the killing of the whole humanity. "And do not kill your people"[132] is the Qur'ānic provision.

The second principle of Islām is that life cannot be taken away except in the requirement of *Ḥaq* in persuance of Divine commandments.[133] That which would prescribe *Ḥaq* consists in the determination of the Divine limits or conditions under which *Jihād* can be waged.

The first condition is that the slaying of a soul is permitted in case of man-slaughter[134] as a due process of *Ḥaq*.

The second condition is that *Jihād* can be waged for the suppression of mischief (*Fitnah*). Mischief has been regarded as a greater offence than murder.[135] "And Allāh does not love the mischief mongers."[136] Both individual as well as organized mischief is condemned in Islām, for without it there can be no law or order possible in the world.

Fighting is enjoined on the believers against non-believers for apostasy thus, "Fight those who do not believe in Allāh nor in

the latter day nor do they prohibit what Allāh and His Apostle have prohibited, nor follow the religion of truth of those who have been vouchsafed the Book until they pay the tribute in acknowledgement of superiority and they are in a state of subjection."[137] The punishment of those who change the faith is death.[138]

The Qur'ān teaches the believers to be tolerant of all conditions except when an attempt is made by their adversaries to annihilate Islām or to deprive the Musalmāns of their liberty and rights. Under such circumstances, the believer is duty bound to inflict such punishment on them as may set them right. "Sanction is given unto those, who fight because they have been wronged . . . surely Allāh will help him, who helps His cause."[139] "And fight in the way of Allāh with those, who fight with you and do not exceed the limits."[140] "And kill them wherever you find them, and drive them out from whence they drove you out." "Permission is given to those, upon whom war is made, because they are oppressed . . . and those who have been expelled from their homes without a just cause."[141]

It is the duty of believers to help the poor and oppressed. "And what reason have you that you should not fight in the way of Allāh and of the weak among the men and the women and the children (of) those, who say; our Lord! cause us to go forth from the town, whose people are oppressors and give us from Thee a guardian and give us from Thee a helper."[142] Thus, those who fight to suppress cruelty fight in the way of Allāh.

Wars are permitted in case of invasion. "O you who believe! when you meet those who disbelieve marching for war, then turn not your backs to them."[143] "O you who believe! when you meet a party, then be firm, and remember Allāh much, that you may be successful."[144]

The Qur'ān has upheld its own distinct ethical ideal, that of enjoining good and forbidding wrong. A clear distinction is therefore, made between right and wrong or virtue and evil. Believers are called upon to uphold the right and suppress the wrong. This principle also applied to matters of *Jihād*. For the honour of the *Millat*, it is essential to free the Musalmāns from the slavery of

the enemies of Islām: there can be no excuse of weakness or otherwise; in that case; the alternative is to desert the land of oppression and tyranny. "Surely (as for) those whom the angels cause to die while they are unjust to their souls, they shall say: In what state were you? They shall say; we were weak in the land. They shall say: was not Allāh's earth spacious, so that you should have migrated therein? So these it is whose abode is hell and it is an evil resort."[145] "Nor do the believers ask leave of you (the Prophet) who believe in Allāh and the latter day from waging *Jihād* with their property and their persons."[146]

Wars can be waged in sympathy with other brethren in faith. Thebelievers are commanded to fight in the way of Allāh to support the weak and those who seek help in the name of faith. "And what reason have you that you should not fight in the way of Allāh and of the weak among men, women and children."[147] "And if they seek aid from you in the matter of faith, aid is incumbent on you except against a people between whom and you there is a treaty."[148]

Fighting is enjoined on those who break the treaty." And if they break their oaths after their agreement and (openly) revile your *Dīn*, then fight the leaders of unbelief." "What will you not fight a people who broke their oaths and aimed at the explulsion of the Apostle, and they attacked you first; do you fear them."[149]

Divine help in Jihād and His Reward:

"And We desired to bestow a favour upon those who were deemed weak in the land and to make them the leaders and to make them the heirs."[150] "And (as for) those who strive hard for Us, We will most certainly guide them in Our way."[151] "O you who believe! if you help (the cause of) Allāh, He will help you and make firm your feet."[152] "But the Apostle and those who believe with him strive hard with their property and their persons and these it is who shall be successful."[153]

"Allāh is his protector who wages Jihād in His way and gets out of his house but in the way of Allāh, having faith in His commandments."[154]

The Qur'ān guarantees success of Islām against the opponents in the following clear words. "Surely (as for) those who disbelieve in the communications of Allāh and slay their prophets unjustly and slay those among men who enjoin justice, announce to them a painful chastisement, these are they whose work shall become null in this world as well as the hereafter, and they shall have no helpers."[155]

The believers should not take the unbelievers as friends. "Let not the believers take the unbelievers for friends rather than believers and whoever does this, he shall have nothing of (the guardianship of) Allāh, but you should guard yourself against them, guarding carefully."[156]

Allāh alone grants victory to the fighters in His way. "And victory is only from Allāh, the Mighty, the Wise."[157] Even a small party of the believers is successful against numerous opponents. "How often has a small party vanquished a numerous host by Allāh's permission and Allāh is with the patient.[158] "Allāh is the best of the helpers."[159]

"Therefore let those fight in the way of Allāh who sell this world's life for the hereafter; and whoever fights in the way of Allāh then he be victorious, We shall grant him a mighty reward."[160]

Jihād has its own reward. "And (as for) those who are slain in the way of Allāh, he will by no means allow their deeds to perish."[161] "Who fled and were turned out of their homes and persecuted in My way and who fought and were slain, I will most certainly cover their evil deeds,"[162] is the Divine promise.

For those who die in the way of Allāh, therein is Divine mercy for them. "And if you are slain in the way of Allāh, or you die, certainly forgiveness from Allāh and mercy are better than what they amass."[163] "And if you indeed die or you are slain, certainly to Allāh shall you be gathered."[164]

The highest reward is that the martyrs are not supposed to be dead but will always live. "And reckon not those who are killed in Allāh's way as dead; nay, they are alive (and) are provided sustenance from their Lord."[165]

The Booty:

Those of the *Mujāhids* who fight and not take earned booty are higher in Allāh's estimation than others. "One who fights and earns booty is less creditable than the other who fights and does not earn, booty."[166] The Prophet ordered not to steal the goods of booty."[167] The principle, therefore, is that booty acquired in war belongs to Allāh and His Prophet. "They ask you about the property acquired during the war," the Qur'ān provides," Say, it belongs to Allāh and His Apostle."[168] As soon as booty is acquired, then the question is of duty towards Allāh. The Qur'ān prescribes that "eat then of the lawful and good (things) you have acquired in war, and he careful of (your) duty to Allāh."[169] The distribution of booty is ordered in the Qur'ān in the following manner—"And know that whatever thing you acquire in war, a fifth of it is for Allāh and for the Apostle and for the near of kin and the orphans and the needy and the way farer."[170] Accordingly, the remaining four fifth is to be distributed among the *Mujāhids*.[171] Sale of booty before its distribution in the above manner is forbidden.[172]

Treatment of Prisoners:

The first principle is that captives can only be made in a successful *Jihād*. The Qur'ān bears testimony to this principle in the following words—"It is not fit for the Prophet that he should take captives unless he has fought and triumphed in the land."[173] The Prophet is commanded thus. "If they come unto you as captives, you ransom them."[174] The second principle is, therefore, to free or ransom the prisoners.[175]

The third principle is that captives are not to be killed or burnt.[176] They are to be given asylum "And if any one of the idolaters seek protection from you, grant them protection."[177] is the Qur'ānic injunction. It is provided in the *Aḥādīth* that" ambassadors are not to be killed[178] and women and slaves should be given asylum."[179] It is related in Bukhāri that the Prophet ordered that "even when a Muslim is wounded in war by an infidel, who afterwards submits "I embrace Islām," the latter is to be given asylum."[180]

The fourth principle is that captives are to be fed according to the injunction of the Qur'ān—"And they (righteous) give food out of love for Him to the poor and the orphan and the captive."[181]

The fifth principle is mentioned in the *Aḥādīth* that "Captives are not to to be threatened to accept Islām."[182]

The sixth principle is that young captives are to be segregated, freed and married."[183]

Peace

When the Prophet sent somebody on any mission, he asked him to convey good news, not create bitterness, make matters smooth and not to put impediments.[184] "Allāh does not forbid you respecting those who have not made war against you on account of (your) religion, and have not driven you forth from your homes, that you show them kindness and deal with them justly; surely Allāh loves the doers of justice."[185] "And they who do not call upon another god with Allāh and do not slay the soul, which Allāh has forbidden except in the requirement of justice . . . and he who does this shall find a requital of sin."[186] "And be not slack so as to cry for peace and you have the upper hand, and Allāh is with you, and He will not bring your deeds to naught."[187]

The believers are commanded to accept the offer of peace. "And if they incline to peace, then incline to it and trust in Allāh."[188] Even when the enemy offers peace by way of deceit, the believers should not reject this offer. "And if they intend to deceive you then surely Allāh is sufficient for you."[189] "O you who believe! when you go to war in Allāh's way, make investigation and do not say to any one, who offers you peace; you are not a believer."[190] "And there is no blame on you, if you are annoyed with rain or if you are sick, that you lay down your arms and take your precautions."[191]

Respect for Treaties:

"Those with whom you make an agreement, then they break their agreement every time and they do not guard (against punishment), therefore, if you overtake them in fighting, then scatter them by making an example of them to those who are in the rear, that

they might be mindful." "And if you fear treachery on the part of a people then throw back to them on terms of equity; surely Allāh does not love the treacherous."[192]

"This is a declaration of immunity by Allāh and His Apostle towards those of the idolators with whom you made an agreement."[193]

"Except those of the idolators with whom you made an agreement, then they have not failed you in anything and have not backed up anyone against you so fulfil their agreement to the *end of their term*."[194]

"Aid is not incumbent against those, with whom there is a treaty. And if they seek aid from you in the matter of religion, aid is incubment on you except against a people between whom and you there is a treaty."[195]

"So long as they (Idolators) are true to you, be true to them."[196] It is also emphasized in the *Aḥādīth* that "Islām orders for the fulfilment of promises and contracts."[197]

Neutrality:

The principle of neutrality is acknowledged in Islām in two ways. In the first case, fighting is not enjoined against those, who offer peace. The Qur'ān provides. "If they withdraw from you and do not fight and offer you peace, then Allāh has not given you a way against them."[198] In the second place, no fighting is enjoined against those who have not waged war against the believers. "Those who have not made war against you on account of (your) faith and have not driven you forth from your houses, you show them kindness and deal with them justly."[199]

NOTES TO CHAPTER IX

1 Al-Qur'ān 2:26. *Jihād* is obligatory on the believers to protect the *Dīn* from the enemies of Islām—Tafsīr Ibn Kathīr—Vol. II, p. 77
2 Ibid 4:11
3 Ibid 5:6
4 Ibid 8:4
5 Ibid 8:6
6 Ibid 8:5. So that the *Dīn* of Allāh may alone flourish—Tafsīr Ibn Kathīr, Vol. IX, p. 100.
7 Nisāī, vol. 11, p. 14
8 Muslim, vol. v, p. 2016. Tirmidhī, vol. 1, p. 292
9 Muslim, vol. v, p. 2017
10 Ibid, vol. v, p. 2034. Tirmidhī, vol. 1, p. 291
11 Tirmidhī, vol. 1, p. 187
12 Abū Dā'ūd, p. 596. Tirmidhī, vol. p., 287
13 Tirmidhī, vol. 1, p. 288
14 Tirmidhī, vol. 1, p. 287. Abū Dā'ūd, p. 600. Nisāī, vol. 11, p. 34
15 Nisāī, vol. 11, p. 7
16 Muslim, vol. v, p. 2013
17 Al-Qur'ān, 3:12
18 Ibid, 3:11
19 Muslim Intikhāb-i-Ḥadīth—Mawlānā Muḥammad Ja'far Shāh p. 392
20 Muslim, vol. v, p. 2024. Abū Dā'ūd, p. 599 Trimidhi vol. 1 p. 293
21 Al-Qur'ān, 48:2
22 Muslim, vol. v, p. 2029
23 Abū Dā'ūd, p. 591
24 Ibid, p. 59
25 Ibid, p. 593
26 Ibid, p. 593
27 Ibid, p. 598
28 Ibid, p. 599
29 Muslim, vol. v, p. 2023. Tirmidhī, vol. 1, p. 286
30 Muslim, vol. v, p. 2023. Nisāī, vol. 11, p. 38
31 Abū Dā'ūd, p. 601
32 Ibid, p. 605. Nisāī, vol. 11, p. 10
33 Al-Qur'ān, 9:11, 61:2
34 Nisāī, vol. 11, p. 8. Bukhārī, vol. ii, p. 42
35 Nisāī, vol. 11, p. 8
36 Ibid, p. 8
37 Ibid, p. 10
38 Ibid, p. 11
39 Ibid, p. 11
40 Ibid, p. 19
41 Bukhārī, vol. 11, p. 50
42 Abū Dā'ūd, p. 615

43 Nisāī, vol. 11, p. 12
44 Ibid, p. 26
45 Muslim, vol. v, p. 2007
46 Tirmidhī, vol. 1, p. 279, Abū Dā'ūd, p. 609
47 Al-Qur'ān, 2:31
48 Ibid, 2:31
49 Ibid, 4:15
50 Ibid, 4:15. Also referred to in Bukhārī, p. 209 and Muslim, vol. 11, p. 853
51 Nisāī, vol. 11, p. 28
52 Ibid, vol. 11, p. 314
53 Nisāī, vol. 11, p. 314
54 Muslim, vol. 11, p. 2013
55 Ibid, vol. v, p. 2016
56 Nisāī, vol. 11, p. 315. Muslim, vol. 1, p. 213
57 Nisāī, vol. 11, p. 317. Muslim, vol. iv, p. 1776. Tirmidhī, vol. 1, p. 248
58 Nisāī, vol. 11, p. 318
59 Al-Qur'ān, 58:3
60 Ibid, 58:3
61 Ibid, 58:3
62 Muslim, vol. v, p. 1839. Tirmidhī, vol. 1, p. 280
63 Al-Qur'ān, 49:1
64 Ibid, 61:1
65 Ibid, 49:1
66 Ibid, 2:25
67 Ibid, 9:10
68 Ibid, 4:12
69 Ibid, 9:9
70 Ibid, 63:1
71 Ibid, 4:11
72 Ibid, 4:11
73 Ibid, 4:17
74 Ibid, 4:11
75 Ibid, 4:21
76 Ibid, 4:16
77 Ibid, 4:12
78 Ibid, 4:16
79 Nisāī, vol. 11, p. 2.
80 Abū Dā'ūd, p. 606. Nisāī, vol. 11, p. 8. Tirmidhī, vol. 1, p. 293
81 Abū Dā ūd, p. 608
82 Quoted by Nisāī, vol. 11, p. 1
83 Nisāī, vol. 11, p. 3, Muslim, vol. 1, pp. 112 to 114
84 Tirmidhī, vol. 1, p. 274. Muslim, vol. v, p. 1835
85 Muslim, vol. v, p. 1836
86 Al-Qur'ān, 60:2
87 Abū Dā'ūd, p. 642
88 Tirmidhī, vol. 1, p. 297
89 Muslim, vol. v, p. 1841

90 Ibid, p. 1841
91 Ibid, p. 1841. Bukhārī, vol. 11, p. 70
92 Abū Dā'ūd, pp. 642, 643
93 Tirmidhī, vol. 1, p. 274
94 Ibid, p. 643
95 Ibid, p. 274
96 Ibid, p. 275
97 Abū Dā'ūd, p. 646
98 Bukhārī, vol. II, p. 175. Muslim, vol. v, p. 1842. Tirmidhī, p. 274
99 Muslim, vol. p. 1844
100 Bukhārī, vol. 11, p. 75
101 Nisāī, vol. 11, p. 313
102 Abū Dā'ūd, p. 693
103 Al-Qur'ān, 9:6
104 Ibid, 9:7
105 Ibid, 9:12
106 Ibid, 9:14
107 Bukhārī, p. 352
108 Al-Qur'ān, 8:8
109 Ibid, 4:14
110 Ibid, 67:2
111 Ibid, 4:14
112 Ibid, 4:14
113 Ibid, 4:14
114 Ibid, 22:8
115 Ibid, 8:10
116 Ibid, 9:13
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118 Abū Da'ūd, p. 589
119 Ibid, p. 590
120 Ibid, p. 590
121 Muslim, vol. v, p. 2003
122 Ibid, p. 2003
123 Ibid, p. 2000
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125 Al-Qur'ān, 5:5
126 Ibid, 2:7
127 Ibid, 2:25
128 Ibid, 7:7
129 Ibid, 28:8
130 Ibid, 42:4
131 Ibid, 5:5 Bukhārī, vol. II, p. 407
132 Al-Qur'ān, 4:5
133 Ibid, 25:6
134 Ibid, 5:5
135 Ibid, 2:27

136 Ibid, 5:9
137 Ibid, 9:4
138 Bukhārī, vol. II, p. 75
139 Al-Qur'ān, 22:6
140 Ibid, 2:24
141 Ibid, 22:6
142 Ibid, 4:10
143 Ibid, 8:2
144 Ibid, 8:6
145 Ibid, 4:14
146 Ibid, 9:7
147 Ibid, 4:10
148 Ibid, 8:10
149 Ibid, 9:2
150 Ibid, 28:1
151 Ibid, 29:7
152 Ibid, 47:1
153 Ibid, 9:11
154 Muslim, vol. v, p. 2011
155 Al-Qur'ān, 3:3
156 Ibid, 3:3
157 Ibid, 3:13
158 Ibid, 2:33
159 Ibid, 3:16
160 Ibid, 4:10
161 Ibid, 47:1
162 Ibid, 3:20
163 Ibid, 3:17
164 Ibid, 3:17
165 Ibid, 3:17
166 Muslim, vol. v, p. 2032
167 Ibid, p. 1836. Abū Dā'ūd, p. 674
168 Al-Qur'ān, 8:1
169 Ibid, 8:9
170 Ibid, 8:5
171 Muslim, vol. v, p. 1857
172 Tirmidhī, vol. i, p. 297
173 Al-Qur'ān, 8:9
174 Ibid, 2:10. Tirmidhi, vol. I, p. 278. Abū Dā'ūd, pp. 654, 655. Bukhārī, vol. II, p. 80.
175 Muslim, vol. v, p. 1876
176 Tirmidhī, vol. i, p. 279. Abū Dā'ūd, p. 655
177 Al-Qur'ān, 9:1
178 Abū Dā'ūd, p. 681
179 Tirmidhī, vol. i, p. 280
180 Bukhārī, vol. II, p. 243

181 Al-Qur'ān, 76:1
182 Abū Dā'ūd, p. 653
183 Ibid, p. 659. Bukhārī, vol. II, p. 106
184 Muslim, vol. v, p. 1838
185 Al-Qur'ān, 60:2
186 Ibid, 25:6
187 Ibid, 47:4
188 Ibid, 8:8
189 Ibid, 8:8
190 Ibid, 4:13
191 Ibid, 4:15
192 Ibid, 8:7
193 Ibid, 9:1
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195 Ibid, 8:10
196 Ibid, 9:2
197 Intikhāb-i-Ḥadīth—Mawlānā Muḥammad Jā'far Shāh pp 291 and 292
198 Al-Qur'ān, 4:12
199 Ibid, 60:2

CHAPTER X

Theory of *Amwāl* and Economic Development

While describing the economic organization of Islām, at least four theories have been advanced. Firstly, it is said that Islām believes in Capitalistic order. Secondly, it is claimed that Islām stands for Marxism or Marx's scientific socialism. Thirdly, it is advocated that Islām represents a golden mean between Capitalism and Communism. And fourthly, it is emphasized that both Capitalism and Marxism, being the product of Western Civilization, are alien to Islām, which has, as its component part, a separate and distinct concept of economic organization, embodied in the Qur'ānic term of *Amwāl*.

Muslim Social Environment:

Islām has laid a great stress on the socio-political life of the individual Musalmān, in as much as an ideal social environment is essential for the moral and material welfare of the members comprising the Islāmic *Millat*. A true Musalmān is the product of a true Muslim environment. Guidance is necessary in every sphere of the individual's life, and the development of his latent faculties—gifts of Allāh, and above all his self-realization, depend on a universal structure, founded on Divine Law and organization. The sociality of human life was emphasized by the Prophet, who said, "there is no life of asceticism in Islām." The Qur'ān said, "And asceticism they innovated it—We prescribed it not for them—

only seeking Allāh's pleasure yet they tended it not with tendence due thereto."[1]

The spirit of Islām manifests itself in every aspect of human organization—political, economic, social and cultural. The economic aspect in Islām is closely related to the Islāmic form of government. "The economic system in Islām," says a modern scholar, "is not distinct or isolated from other considerations like politics, morality and sociology and forms a part of the whole scheme of Islām."[2] Institutions are built upon ideals. In order to understand the economic ideals of Islām, a reference is to be made to the ethical background of the fiscal policy of the Islāmic Political organization.

Ethical Basis of Economic Organization:

To a Musalmān, life is a continuous whole from birth till death and from death to the yonder world. Islām stands for good in this life and good in the next. Unlike the present economic systems, the economic organization of Islām is not only concerned with the material welfare in this world but forms a basis for the good of the next world. The soundness or otherwise of an economic system depends on the nature of its objects—good or evil as the case might be. Islām stands for the material satisfaction of mankind as a whole and believes in a world, in which there is individual welfare and collective security. Moral advancement and material welfare go hand in hand. A true Musalmān, believing in the Unity of the Divine Being, subdues the elements of nature and utilizes them to his advantage and for the betterment of the *Millat:* he secures good for himself and good to others—the ethical basis of Islāmic economic organization.

Economic Ideals of Islām:

Allāh is responsible for the sustenance of every human being and, consequently, every body is entitled to a share in the Divine means of subsistence. Differences in stages of material wealth are, therefore, natural, but provision is made for the means of subsistence to all. Better the stage in economic life, the severer the test for the believer; those who possess wealth in excess owe a

duty to help the poor and the needy. The communal demand is prior to individual requirement and communal obligation precedes the individual right. This does not mean that the individual's interests would be sacrificed, but the individual having secured his basic welfare cannot prosper at the expense of the collective security of the *Millat*. The individual Musalmān is required to seek lawful things by legitimate means and be moderate in expenditure, neither extravagant nor miserly. Under such a system, there can be no religious anarchy or class-war as in Marxim, and no concentration of wealth as in Capitalism. Islām, it is said, on one hand, presents a golden mean between Capitalism and Communism. The establishment of the Islāmic political organization is essential to enforce the economic ideals of Islām.

Equal Rights of Livelihood:

Allāh is alone responsible for the livelihood of each individual. "And there is no animal in the earth but on Allāh is the sustenance of it."[3] "And how many a moving creature there is that beareth not its provision."[4] "Whatever has been created in the earth is the property of the entire humanity."[5] Allāh has thus created means of sustenance for every body: He alone can increase or decrease them. "Allāh makes abundant the means of subsistence for whom, He pleases of his servants."[6] "Say: He it is who multiplies you in the earth and to Him you shall be gathered."[7] "Or who is it that will give you sustenance if He should withhold His sustenance."[8] The Prophet prayed to Allāh to grant his *Ummat* sustenance according to their needs."[9]

Since Allāh has created means of subsistence for living beings, none has any authority to deprive others of livelihood. Every human being is, therefore, entitled to a share in the means of subsistence. "He it is who made the earth smooth for you, therefore go about in the spacious sides thereof, and eat of his sustenance, and to Him is the return after death."[10] "Eat and drink of the provisions of Allāh, and do not act corruptly in the land, making mischief."[11] A human organization is necessary to control and utilize the means of subsistence; but such an organization should

not result in the establishment of a reign of tyranny; nor should it create evils in the economic structure of the community.

Stages of Material Wealth—Natural Outcome:

Equal right to subsistence (*Iktisāb*) carries with it a principle of the equality of opportunities. Equality of right does not guarantee equality of achievement. Provision is to be made to all; but some will be more benefited than others in view of their respective capabilities. Therefore, differences in the stages of material wealth are natural and necessary—natural because the acquirement of wealth depends on individual effort, enterprise and capacity; necessary, because otherwise individual incentive would be lost. "And Allāh has given greater sustenance to some than others."[12] "We have in the life of this world divided sustenance among the people, and have so arranged that some are exalted over others in the stages (of material welfare)."[13]

Excess in Wealth—A Liability:

Those who acquire wealth in excess to their needs have a social obligation to fulfil. Extra wealth is to be spent for the benefit of the poor. "And Allāh has given greater sustenance to some over others: so let it happen like that those who have got greater sustenance should distribute to others, who are helpless, in as much as all are equally entitled to it. Those who do not do like that, obviously do not believe in the provision of Allāh."[14] The Prophet commanded, "Those who possess means of power in excess of their needs, should give the extra sustenance to the weak."[15] The Prophet enjoined on the rich the duty of helping the poor according to their capacities."[16]

Better the Material Condition, the Severer the Test:

Differences in the stages of material wealth carry with them a test. Those who possess wealth are to be tested by it. It is said in the Qur'ān, "your property and children are but temptations, and with Allāh is the great reward."[17] Better the material condition of a person, the severer the test. And "He it is, who has created one

khalīfah of other and exalted one over others, so that He may test you with that He has given you."[18] "Believe in Allāh and His Apostle, and spend out of what He has made you to be successor of: for those of you who believe and spend shall have a great reward."[19] This is illustrated by the establishment of the institutions of *Zakāt* and *Ṣadqah*. Human dignity has, however, to be maintained.

Individual Economy:

Individual economy has two aspects, personal and collective. Islām answers the basic questions—What should an individual earn? How much to spend? and on what?

There are three categories of persons in the Islāmic Political organization. Firstly, Musalmāns have to pay *Zakāt*, *'Ushr* and *Khams*; on *Kharāji* land, they pay both *Kharāj* and *'Ushr*; pay *Zakāt* on mines and part with one-fifth on treasure-trove. Secondly, *dhimmīs*, who are captured in war, pay *Jizya* and *Kharāj* on land (which has varied and not charged at a fixed rate). Such of *dhimmīs* as offered military service for the Muslim government, were exempted from the payment of *Jizya*. Thirdly, as regards the *Mu'āhids*, their position during peace time was determined by their respective *Mu'āhidah* (Contract).[20]

Man is taught not to remain idle, but to adopt means of livelihood according to his capacity. "When you have established the prayer, then expand in the land and search for Allāh's provisions."[21] The Prophet said, "seeking legitimate means of livelihood is a duty next to prayer."[22] Seek legitimate things (*ḥalāl*) by legitimate or approved (*ṭayyab*) means—is the basic principle of individual employment. "O Man! eat only *ḥalāl* and *ṭayyab* out of the things created in this world and do not follow the satan."[23] "And eat of the lawful and good (things) that Allāh has given you."[24] "O you who believe! do not forbid (yourself) the good things which Allāh has made lawful to you and do not exceed the limits."[25]

Whatever may, thus, be legitimately acquired is to be spent by the individual on his own self and for the collective good. The individual is required to be moderate in his personal expenditure—neither extravagant, nor miserly. "And they who, when they spend,

are neither extravagant nor parsimonious, and (keep) between these the just mean."[26] "Eat and drink and do not be extravagant, surely, Allāh is not a friend of the extravagant."[27] "(Believers) are those who, when they spend are neither extravagant nor miserly."[28] The Prophet instructed the believers to effect some saving in the interest of the individual himself. Under particular conditions or emergent cases, individual sacrifice is highly appreciated. Ḥaḍrat Abū Bakr, on one occasion, gave away all his wealth in the way of Allāh.[29] Islām has laid great emphasis on trade and business, it has stressed upon the righteous methods and condemned false ones. "When you have established prayer, then expand in the earth and seek Allāh's good provisions and obtain them."[30] "And do not eat your commodities among yourself through false (unrighteous) methods, but gain profit by mutual cooperation in trade."[31] The Prophet said, "Honest and trustworthy dealers rank in their position with those of prophets, saints and martyrs."[32]

Trade depends on mutual cooperation; so the parties should seek the good of each other. "And help others on the basis of good and righteousness and do not cooperate with any one in sinning and oppression."[33]

Islām equally encouraged industry. The Prophet said, "there is no livelihood better than that which is sought with the hand."[34]

Common Welfare Prior to Individual Interests:

After meeting the bare necessities of life, an individual is required to spend the extra wealth for the good of the *Millat*. Welfare of the *Millat* takes precedence over individual welfare. Even, when the rich paid up *Zakāt*, the government in Islām can have a legitimate claim on the remaining wealth in case of emergency for the common good. Modern writers on the economics of Islām concede the right to the government to nationalize the monopoly of certain heavy industries, banking and insurance and to put a limit on the acquisition of wealth."[35]

No Religious Anarchy as in Marxism:

Lenin claimed that "the living soul of Marxism was its revolu-

tionary content." Marx was the founder of 'Scientific Socialism' as opposed to 'Utopian Socialism.' To the Utopians, Socialism meant an expression of absolute truth; in other words, they did not have a philosophy of history. On the other hand, Scientific Socialism believed in an understanding and acceptance of historical development. Marxism or Marx's Scientific Socialism implies a transition from the Capitalist order to a stateless society or a classless society. Marx's economic interpretations comprise five factors—the law of concentration of wealth, the theory of surplus value, the classs truggle, the over-production theory of depressions and social revolution. After the Revolution, it is said, the dictatorship of the proletariate is established aiming at the democratic management of the basic instruments of production, distribution and exchange of material wealth—the first phase. In the final phase of Communism—the state would wither away giving place to a classless society in which the ideal of "from each according to his capacity and to each according to his need" will operate. The anonymous writer of the introduction to the small volume entitled *Lenin on Religion* states unhesitatingly that "Atheism is a natural and inseparable part of Marxism, of the theory and practice of Scientific Socialism."[36] "While Marxism cannot be conceived without atheism, it is equally true that atheism without Marxism is incomplete and inconsistent."[37] Marx and Engels had blasphemously characterised religion as the "opium of the people." To Lenin, religion was "one of the many forms of spiritual oppression devised by the exploiters to keep down the exploited," and the propaganda of atheism was thus advocated by him. The Communist Party, however, shelved the matter and did not declare itself atheist. And Lenin gave the following reasons: religious question should not be given prominence, otherwise the party would be "broken up for the sake of opinions and dreams that are of third rate importance."[38] To declare war on religion merely helps the priests and diverts the attention of working classes from the revolutionary struggle;[39] a frontal attack on religion is unwise, for it has taken roots in the consciousness of the masses and consequently religion is best attacked by paying no attention to it.[40] The Communists, following

Marx, recognize no religion for themselves nor recognize the religion of any other person. In the constitution of the USSR, private worship is allowed but propagation of religion is forbidden.

Such is the religious anarchy in Marxism. In Islām such a state of affairs cannot exist. The *dīn* of Islām is a complete code for the guidance of the individual's life in all its aspects—religious, social, political, economic and cultural. The faith of Islām is based on the Divine Revelation—the Qur'ān, the last message conveyed to humanity by the Last Prophet. The economic structure of Islām is, thus, inspired by the ethical ideals of Islām, which stand for the good in this world and in the next. Islām recognizes the existence of classes; faith and not economic factor is the dividing basis. Instead of the victory of the proletariate, Islām emphasises the triumph of the people of the faith. Hence instead of the Marxist dictatorship of the proletariate, it is the group of the righteous individuals that have the right of rule. In place of matter, Islām believes in spirit.

"All that is in the earth belongs to Allāh"[41] says the Qur'ān. Accordingly, private property in Islām is a trust to be utilized under Divine limitations aiming at the good of the community. It has to be spent in the "way of Allāh": *Zakāt* is to be paid; the law of inheritance is to be followed and the institution of interest is to be abolished. "If a banking system is evolved in which profit may fluctuate," says a modern writer, "there is no harm."[42]

No Concentration of Wealth as in Capitalism:

Capitalism is known by the dominance of capital in society and is marked by three essential principles of acquisition, rationalism and competition. The purpose of man's economic activity consists in acquiring more and more money through the free choice of occupation, assertion of his material power and the use of rational behaviour under a competitive system. The whole system representing private enterprise and private economics ends in the creation of a right of private property and freedom to save, accumulate and invest the money so acquired. The present day Capitalism is marked by the concentration of material wealth in fewer and fewer hands. Modern Capitalism means monopolization of the

means of production and distribution in a class known as capitalists.

The principle of equality is found in the concept of Islāmic brotherhood. There is social equality in *Ṣalāt* and other social functions, otherwise there is a preference to a more and more righteous conduct. Islām does not believe in and cannot therefore promote absolute equality which is unnatural and undesirable, and forms an impediment in the way of moral and spiritual advancement of man and society.

Islām forbids the satisfaction of the excessive material needs of man. Individual demands are simplified in order to release human energy in the direction of inner development and spiritual advancement. Consumption is simple and is guided by the principles of *Taqwā*, cleanliness, moderation and beneficence. "Eat of the lawful and good things out of what is in the earth." "Eat and drink of the goods out of His beneficence" are the Qur'ānic commandments. The Prophet said, "For every *Ummat* there is a *fitnah*, and the *fitnah* of my *Ummat* is *Māl*."[43]

Islām recognized land as a factor of production and emphasized a proper and efficient cultivation of it. Private ownership of land (Iqtā') required cultivation by the self and as such those who did not cultivate should not retain the possession. An important example may be cited in this connection. Ḥaḍrat 'Umar said to Ḥaḍrat Bilāl "It (land given by the Prophet) exceeds your ability to till it, look for what you can manage and keep that, and what you cannot manage, and what you cannot master, surrender that to us, that we may distribute it among the Musalmāns." And Ḥaḍrat Bilāl replied "By Allāh, I shall not do it—a thing which the Prophet has given me." But Ḥaḍrat 'Umar said, "By Allāh, you have to do it" and he took away from him what he was unable to keep in culture, and distributed it among the Musalmāns."[44]

The wealth of the *Millat* should be in constant circulation and capital should not establish a rule of the haves against the haves not. "Say: shall We inform you of the greatest losses in (their) deeds? They are those whose labour is lost in this world's life and they deem that they are doing well in performance."[45]

Under the Islāmic structure of social homogeneity and brotherhood, the rich cannot form a class by themselves. Islām does not believe in classes or divisions of the *Millat* into the rich and the poor. Private property is permissible in Islām so that individual incentive and enterprise may not be lost. No body is, however, permitted to hoard unlimited wealth "And those who keep in treasury, silver and gold and do not spend in the way of Allāh, convey to them the news of severe chastisement. "[46] "So that it (wealth) may not circulate (only) among the rich"[47] is the key note of the Islāmic policy regarding material wealth. *Irtikāz* or concentration of wealth is to be arrested. Hence distribution of wealth among all classes has been emphasized by the institution of a property tax (*Zakāt*), restrictions on the process of testamentary disposition, laws of inheritance and the prohibition of usury.

Those who possess extra wealth or money in excess owe a social obligation to fulfil-help the poor and the needy. A Musalmān is reminded again and again that he "should keep up prayer and pay the poor rate."[48] "And spend out of what We have given you, lest death should overtake any one of you."[49] "And spend in the way of Allāh and do not throw yourself in destruction by your own hands."[50] The underlying principle of all these provisions is that wealth and property are not to be stored. Wealth is not meant for personal luxury but to meet personal requirements and to secure the social good. Wealth, not paying *Zakāt* is Capitalism, pure and simple, which is marked by personal selfishness and social injustice.

Apart from the payment of *Zakāt*, other obligations are imposed on the rich. According to the Islāmic law of inheritance, the property of every person is divided among his legal heirs at the time of his death. Usury, drinking, gambling and the use of wrong measures are totally prohibited. ' Business is permitted but not usury."[51] Allāh destroys business in usury and enhances alms."[52] "And relinquish what remains (due) from usury, if you are believers."[53] "But if you do (it) not, then be appraised of war from Allāh and His Apostle and if you repent then you shall have your capital; neither shall you make (the debtor) suffer loss, nor shall you be made to suffer loss."[54] Those who swallow down usury

cannot rise except as one whom the devil has prostrated by (his) touch, does rise."[55] "O you who believe! do not devour usury, making additions again and again."[56] The Prophet condemned all those who received, gave, bore witness and wrote deeds of, usury."[57]

Drinking and gambling are strictly prohibited in Islām. "Verily, drinking, gambling, idols and stake are unholy and are the actions of the satan, so abstain from them."[58] Nor are the use of wrong measures permitted. "And weigh with standard measures."[59]

No conflict of capital and Labour

Ḥaḍrat Shāh Waliullāh[60] enunciates principles of the ideal economic structure. Means of livelihood should be available to all and ownership of legitimate property is permissible, when it does not interefere with the principle of equal rights to subsistence. Mutual cooperation and good will are necessary in the organization of the means of livelihood, so that the balance may not adversely affect some and favour others at their expense. "O you who believe! do not devour your property among yourself falsely, except that it be trading by your mutual consent."[61] "And if the (debtor) is in straitness, then let there be postponement until (he is in) ease; and that you remit (it)."[62] "Contracts may be put in writing and witnesses procured." "Security may also be demanded when the debtor cannot be trusted."[63] Therefore, root causes of economic ills are to be removed and the approved (*ḥalāl*) dealings are to be undertaken. Such a system can only be enforced through a Divinely ordained law, which can ensure a harmonious adjustment of capital and labour or the rich and the poor. There must be co-operation between the employer and the labourer. Modern capitalist system is known for its defects—lack of employment and more work and less payment. Unemployment would vanish when mankind begins to believe in the Islāmic principle that every human being has an equal right in the Divine means of subsistence. The Prophet said, "I shall oppose on the day of resurrection those (capitalists) who take work (from labourers) according to their capacities but do not pay accordingly." On the other hand, according

to the saying of the Prophet, "the best livelihood is that of the labourer, provided he works honestly and in the best interest of the master."[64] There is, thus, no exploitation of one class by another in Islām.

Islām teaches that in trade and business, such dealings are enjoined as may legitimately secure the interests of labour and effect a happy balance between the rich and poor.

Islām — not a Golden mean between Capitalism and Communism:

It has been seen that in Islām there cannot be any concentration of wealth in few hands; nor is the individual deprived of the right of ownership. Islām does not forbid personal property: whenever the Qur'ān induces the Musalmān to spend money in the way of Allāh, it does not acknowledge its ownership by such persons. However, ownership in Islām, is not absolute, but limited or conditional. "And in their properties there is a right of the poor and the helpless."[65] "O you who believe! spend out of whatever sustenance, We have given you."[66] Properties of social utility like mines; salt, lakes; silver, gold, coal and iron belong to the government and no single individual can acquire any rights of ownership in them. Properties of social utility when given over to the charge of private companies and individual enterprise, result in the establishment of Capitalism.

Since the interests of the individual and of the community are safeguarded in Islām, there is no need "to take from each according to his ability and to give to each according to his needs." With the absence of the concentration of wealth and therefore, absence of big capitalists, Islām is not capitalism. With a recognition of a limited right of personal ownership and without losing sight of the common good, Islām is not Communism. There should be in the Islāmic society neither a group of big capitalists, nor a class of poor and helpless people. This situation has been by mistake described by some as a "golden mean between capitalism and communism.

Islām — A distinct Economic theory:

The basic principles of Islāmic Economics may be summarised as follows. Wealth and means of production are not to be concen-

trated in the hands of any particular section of the *Millat*. Every body enjoys an equal right in the means of subsistence, and thus, a limited right of personal property is recognized. Rights of ownership carry with them obligations for social good. Properties of social utility are only to be monopolized by the *Millat*. Storing of wealth, economic exploitation of one class by another and neglect of social obligations are foreign to Islāmic economic system, which lies at the basis of moral and material well-being — good in this world and in the next. To enforce these principles, the organization of the Islāmic Political system is essential.

Classes of People:

The Muslim country organized on the basis of *Khilāfat* is called *Dārul Islām* and the country that establishes itself against the *Khilāfat* is called *Dārul Ḥarb*, the inhabitants of which country are called *Ḥarbīs*. Those who enter into agreements are styled as *Mu'āhid*. People coming from *Dārul Ḥarb* and staying in *Dārul Islām* are hnown as *Mustāmin*. Those who acknowledge the supremacy of the Musalmāns are called *dhīmmīs*.

Sources of Revenue:

The *Sharī'at* sources of revenue fall into two categories (1) religious revenue, collected from the Musalmāns alone and (2) secular revenue derived primarily from non-Muslims. In the first category are included the three *Zakāt* taxes on (a) flocks and herds; (b) gold, silver and articles of trade; and (c) the produce of the earth or the lithe — and the financial contribution for *Jihād* and other affairs of public utility. The secular revenue comprises (a) the *kharāj* or land-tax, (b) *Jīzya* or Poll tax, (c) the tax on non-Muslim traders, (d) the imposts on spoils; (e) mines and treasure-trove and (f) the estate of a person dying intestate,[67] and (g) *Ghanāim*, things captured during war.

The following are the sources of government revenue:—

(i) *'Ushr* — one-tenth realised from the Muslim lands.

(ii) *Kharāj* — the tax obtained from the *dhimmī* lands-liable to change or remission under conditions.

(iii) *Jīzya* — paid by *dhimmīs* annually — the rich paying 48 dirhams; the middle class 24 dirhams and the poor 12 dirhams.[68]

(iv) *Zakāt* — fixed *ṣadqah* (alms) paid annually by Musalmāns alone on the *niṣāb* of their properties.

(v) *Ṣadqāt* — unfixed alms offered from time to time by the Musalmāns.

(vi) *Fiy* — Property abandoned by the non-Muslims without offering battle, thus obtained without resorting to *Jihād.*

(vii) *Khams* — Booty obtained in jihād-1/5 of it goes to the treasury.

(viii) *Rikāz* — Treasure trove-1/5 going to the Treasury.

(ix) *Karā-al-arḍ* — definite charge on land lent for cultivation.

(x) *'Ushr* — Duties levied on goods imported into the Muslim country by *dhimmīs* (paying 1/20), by *Ḥarbīs* (1/10) and by Muslims (1/40).

(xi) *Waqf* — Muslim endowments.

(xii) *Daraib* — tax realised from the rich for social welfare.

(xiii) *Amwāl-i-Faḍilah* — Miscellaneous sources of income.

Position of Dhimmīs:

Islām permits communal ownership of certain properties such as mineral products, forests, pasture land, rivers, lakes, mountains etc., which can be utilized for general welfare of the people. A part of the above mentioned properties can be used for definite purposes; this right being known as *Ḥumā. Rikāz* is defined as gold and silver discovered in the creation of the earth. Administration of mines belonging to non-Muslims is to be carried on in accordance with the terms of their contract. In case, mines are given to Muslims as *Jāgīr*, they have to pay *zakāt* on them.[69]

Excepting the prescribed taxes — *jizya* and *Kharāj* — the *Dhīmmīs* pay no other taxes and as a return, their life, property, houses, places of worship and culture are protected by the Islāmic Government. The word *jizya* is derived from *jizā*, meaning compensation or requital for good or evil. It is levied according to

the injunction of the Qur'ān. The *Dhīmmīs*, on payment of *jizya* are entitled to two privileges — security from molestation and protection. *Jizya* is taken from the *Dhīmmīs* in lieu of assistance (obligatory on the Musalmāns) "had they not persisted in their unbelief."[70] The *Dhīmmīs* cannot be called upon to serve in the army; nor government service can be thrust upon them — which duties are assigned to the Musalmāns. Such *Dhīmmīs* as may voluntarily offer military service or any other service is taken from them by the Government, are exempted from the payment of *jizya*. *Dhīmmīs* becoming old or poor are also exempted likewise and become dependants; so long as they are in the *Dārul Islām* they are to be supported by the Islāmic Government out of the *Baitul Māl*.

Jizya:

Abū Ḥanīfah would like the payment of *jizya* in person, while his two disciples would allow payment by proxy. *Jizya* was not levied on women, children, decrepits, lunatics, slaves and people without any property. Abū Yūsuf exempted the monks, priests and old men without employment.

Jizya is of two kinds — one imposed by agreement or treaty,"[71] as a fixed amount, changeable in proportion to increase or decrease of population; second imposed by the *Imām* on the conquered people, 48 dirhams from the rich, 24 from the middle class people and 12 from the poor. The person owning 1,000 or more is rich, owning from 200 upwards is a middle class and owning less than 200 is poor. The question as to what constitutes richness or poverty can be definitely decided by the *Imām* on the basis of particular conditions.[72] *Jizya* is cancelled by conversion to Islām or by death and according to Abū Ḥanīfah also by non-collection.

Kharāj:

The word *kharāj* means revenue derived from a piece of land. It is based on the precedents of Ḥaḍrat ʿUmar. In his time, assessment was made either in proportion to the produce of the land periodically (proportional *kharāj*) or according to the area cultivated (fixed *kharāj*) annually. According to the first principle, the scales of the tax ranged between one-half to one-fifth. In case of cash payments, the scale of the tax varied from one to five *dirhams* according to the

class of produce. In case of total failure of crop, the tax automatically lapsed. The *kharāj* is levied on land irrespective of whether the owner is a minor or an adult, free or slave. By and by, owing to large conversions, Musalmāns also became subject to the law—that if the owner became a Muslim or a Muslim purchased the land, *kharāj*, was due.[73]

Muslim Obligations:

A Musalmān is under an obligation to pay *zakāt* which literally means growth or purity.[74] It signifies increase of property in this world and growth of religious merit in the next; and the act purifies the payer. *Ṣadqah* is a generic term—voluntary and obligatory; *Zakāt* is an obligatory *ṣadqah*. *Zakāt* becomes obligatory on account of four reasons — the dictates of the Qur'ān, the *Sunna*, *Ijmā'* and reason. Failure to believe in it amounts to *kufr* and refusal to practise it is punished with death. "Fight those who do not believe in Allāh, nor in the latter day, nor do they prohibit what Allāh and His Apostle have prohibited, nor follow the religion of truth, out of those, who have been given the Book, until they pay *zakāt* in achnowledgement of superiority and they are in a state of subjection."[75] "If they desist paying *zakāt*", Ḥaḍrat Abū Bakr said, "I will wage war against them."[76] It is one of the five chief obligations of the Musalmān. A true Musalmān will not, therefore, try to avoid the payment of *zakāt* even by legal means *e.g.* transferring his property before the lapse of one year to another person or liquidating the *niṣāb* in other ways. No person really dies who leaves behind property without payment of *zakāt* which obligation will continue till the day of judgement, it is related by Tirmidhī.

Zakāt:

The cause (*Sabab*) of *zakāt* being *wājib* (payable) is the possession in full ownership (*milk tām*) of a *niṣāb* (minimum) of property.[77] The *niṣāb* must be free of debt and above what is necessary for the satisfaction of the primary necessities of life. The *niṣāb* must be in full ownership *i.e.* ownership combined with possession for full one year. The conditions of *zakāt* being *wājib* are (1) reason or maturity, (2) state of Islām and (3) freedom of person.[78]

Consequently, infants, slaves, lunatics, debtors, insolvents, non-Muslims are exempted. The dissolution of the *niṣāb* means the dissolution of *zakāt*.

Zakāt in Islām, is a charitable gift by the rich for the benefit of the poor.[79] A person is rich, who possesses silver property of the value of approximately Rs. 50/- or gold of the value of about £ 12; one fortieth of which is payable into the *Baītul Māl* or the Public Treasury. There is consequently no *zakāt* on less than 20 *mithqāl* of gold and 200 *dirhams* of silver; the *zakāt* for every additional 4 *mithqāls* and 40 *dirhams* is 2 more *qirats* of gold and 1 more *dirham* of silver respectively[80]. He alone can receive *zakāt* who owns less than 50 *dirhams*.[81]

Elaborate provisions are made for the payment of *zakāt* on flocks and herds like camels, oxen, buffaloes, sheep and goat. No tax was levied on less than 5 camels and less than 30 cows. The relative values of camels and sheep were fixed, and for every five camels one sheep was given in *zakāt*, and for every thirty cows a *tabi* (one year old calf). No *zakāt* was levied on horses, slaves and honey but eatables, corn, vegetables and some fruits were liable to taxation.

In the case of immovable property, *zakāt* is paid on the income or rent accruing therefrom.

'Ushr:

The Ḥanafī Doctors treat the tithe (*'Ushr*) as *zakāt* of the produce of the earth.[82] The tithe is however, *farḍ* (obligatory) and the cause of it being *wājib* is the actually productive land. The tithe is, therefore, due only when there is a produce which when destroyed involves the lapse of the tithe. The rate of tithe is 1/10 of the produce on the land irrigated by rain or running water; half of 1/10 on the crops watered by water buckets or water-wheels[83]. The tithe is due on the produce of *waqfs*, as well as of the minors, the insane, the slave and the debtors. Both the tithe and the *kharāj*, cannot be combined in the case of Muslim lands. *'Ushr* when taken from a Musalmān is treated as alms tax, when taken from *Dhimmī* it is regarded as *kharāj*.

Out of the income arising from *zakāt*, money was to be spent

on the following eight heads as pronounced by the Holy Qur'ān (1) the poor, (2) the needy, (3) those in debt, (4) (ransoming of) captives, (5) the way farer (6) officials appointed to collect and dispense the *zakāt*, (7) those whose hearts are made to incline to truth (those who propagate the faith) and (8) the way of Allāh.[84] According to the principle laid down by the Prophet, the revenue derived from *zakāt* in herds and gold was to be applied to equipment of soldiers against non-Muslims, payment of tax collectors and support and maintenance of needy and indigent Muslims." The entire government revenue was the common property of the Muslims and as such was to be distributed among them and for that a general census was to be undertaken. The Prophet and his immediate successors treated all the Musalmāns alike without any distinction. Ḥaḍrat 'Umar even assigned annuities to non-Arab converts. Musalmāns paid the *zakāt* and '*Ushr* and were paid fixed annuities from the government and 4/5 booty. This does not mean that people should depend only on the *Baitul Māl* and do nothing. They should adopt some profession and take to cultivation or trade; otherwise they are bound to ruin the prosperity of the country.

Ṣadqah is allowed to one's own relations.[85] The Prophet said, first spend on oneself, then on members of one's family *i.e.* parents and children, the relatives even if they are idolators.[86]

"By its novelty and important consequences, this political institution (the distribution of money) stands out as one of the most conspicuous landmarks not merely in the Islāmic annals but in history as a whole."[87]

Quāid-i-Ā'ẓam, Moḥammad 'Alī Jinnah said on the occasion of the opening ceremony of the State Bank of Pakistan on July 1, 1948, "The adoption of Western Economic theory and practice will not help us in achieving our goal of creating a happy and contended people. We must work our destiny in our own way and present to the world an economic system based on true Islāmic concept of equality of manhood and social justice. We will thereby be fulfilling our mission as Muslims and giving to humanity the message of peace which alone can save it and secure the welfare, happiness and prosperity of mankind."[88]

NOTES TO CHAPTER X

1 لارهبانيه فى الاسلام vide Al-Qur'ān 57:4

2 Na'īm Ṣiddīqī-Niẓām-i-'Adl-u-Inṣāf

3 Al-Qur'ān 11:1 وما من دابة فى الارض الا على الله رزقها

4 Ibid, 29:6 وكاين من دابة لا تحمل رزقها

"Allāh is alone responsible for the sustenance of all creatures—small and big—their movements, their ways of livings and their births and deaths"—Tafsīr Ibn Kat͟hīr, vol. XII, p. 2

5 Al-Qur'ān 2:3 هوالذى خلق لكم مافى الارض جميعا

6 Ibid, 29:6 الله يبسط الرزق لمن يشاء من عباده

7 Ibid, 67:2

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CHAPTER XI

Khair—The End of Life and Organization

Ethics and Politics in the West:

Mankind within their groups and organizations have always held the ideas of good or virtue and bad or evil; of man as a moral being, of man as immoral or amoral; and of government either excellent or undesirable. Standards of virtue or vice have all along been associated with human conduct, group mentality, state activity and international morality. In politics, particularly, ethics either dominated it or was divorced from it. From Plato to the time of Machiavelli, ethics and politics went hand in hand. According to Plato, a good man is a good citizen, who can exist only in a good state.[1] The good is objectively real and is to be known by rational investigation, not by intuition. The philosopher who knows this good is entitled to rule. Virtue, therefore, consists in knowledge. Aristotle believed that the state existed for good life and that it represented a partnership in a life of virtue. "Man when perfected is the best of animals".[2] Machiavelli attempted to separate ethics from politics in a queer way but later philosophers reverted to the old problem.

Relating to the Prince, Machiavelli observed that "it will be found that something which looks like virtue, if followed, would be his ruin; whilst something else which looks like vice, yet followed brings him security and prosperity."[3] Hobbes, Locke and Rousseau believed in a universal justice emanating from reason.[4] Rousseau, however, deplored the separation of the "theological from the

political system".[5] This was the separation of the church from the state, the division of the world into spiritual and temporal, so characteristic of the medieval Christian organization.

The definition of the state as "a society of men assembled together in order to live virtuously and happily" was considered faulty by Bodin, for whom the "highest end, the true happiness of the individual man and the state alike consists in intellectual virtue, a contemplation."[6]

Reverting to the old problem of ethics and politics, the Idealist thinkers in particular regarded the state as an ethical institution. Bosanquet held that "institutions like the state are the embodiment of ethical ideas". The highest good, according to them, is the moral good and the highest end of man is his moral perfection. Political authority or the state does not rest on sheer force, but on the will of the people. T.H. Green, therefore, remarked that "will, not force, is the basis of the state."[7] The proper function of the state is to promote good life for the individual and thus" hinder hindrances' or remove obstacles to good life. The state, however, cannot make a man moral, but can help the individual in becoming moral so that he may realise his best self.[8]

The Utilitarians regarded pleasure as good and pain as bad. The surplus of pleasure over pain will induce the door to act.[9] The state is, therefore, required to secure the greatest good or happiness to the greatest number of the people. The concepts of good and bad are, therefore, determined from the point of view of utility.

In recent time, politics is more allied with psychology, sociology, economics and mathematics than with ethics. Ethics in its turn has also undergone a great change since the beginning of the present century. Philosophers have stressed upon the wide gap between the theory and practice of ethics. Not only the content and purpose of moral discourse are misunderstood, but the relation of moral principles with the actual human conduct has also become obscure. Modern ethics represents either a chaos or at the most a ray of hope. G.J. Warnock says, "when we talk about morals, we do not all know what we mean: what moral problem, moral principles, moral judgements are is not a matter so clear that it can be passed over as

a single dictum."[10] Similarly, Mary Warnock states that "Philosophers have been too much concerned with moral theories to pay too much attention to how people actually decide, or what moral decisions are really like."[11] "The normal argument," says G. J. Warnock, "is not more effective than we find it to be is probably attributable to the cross that all arguments have to bear; an argument offers reasons to people, and people are not always reasonable."[12] A reconstruction of a moral philosophy and a fresh attempt to determine moral principles are the prime need of the time so as to fit them with human doings in practice.

Human conduct has been very complex: human politics has grown into a vast complicated science. The nature of man and his conduct in politics require an intimate knowledge of the social, psychological, economic and moral phenomena. From the man-made ethics, we turn towards the Divinely ordained organization of Islām, in which ethics and politics have no separate existences of their own. The political, ethical, social, psychological, religious and moral aspects of human life and corporate existence are so intimately connected that they represent a single and indivisible harmonious whole—a part and parcel of the supreme reality—the *Dīn* of Islām.

Political organization in Islām:

The political system of Islām requires for its organization a *Millat* of Musalmāns, who truly believe in the ideals of Islām. A good Muslim and a good citizen are synonymous terms, for in Islām, faith and organization, ethics and politics, morals and laws, being derived from a single revelation—the Qur'ān — are intermingled and interrelated. The whole edifice of the political structure will fall down, unless it is run by righteous Muslims. A citizen in order to be good must be *Muttaqī* (righteous); in other words, must possess definite virtues. Islām, therefore, lays the greatest stress on *taqwā* or virtue, without which an individual Muslim can neither have good (*Khair*) in this life nor in the next. The object of political organization (*Khilāfat*) is to secure *Khair* to the individual Muslim in this world and the next.

All truth is from Allāh; it was conveyed to humanity through

the Prophet. True guidance is Divine, and virtue is acquired through submission to the Divine will and by following the Prophet. Righteousness consists in "enjoining the good and forbidding the wrong." There are many categories of human actions; but all actions are determined by their intentions. Good consists in doing good to humanity. Good and evil actions have their respective consequences. Allāh is the good goal of life, and the end is for those who are *Muttaqī* and therefore guard against evil. True virtue then has a social bearing. Human perfection is, therefore, practically possible through the organization of the Islāmic political system, which constitutes a means to an end—a life of virtue, procuring for the believer *Khair* in this life as well as in the next.

Development of Ethics in the West:

Before discussing the ethical principles of Islām it would be worthwhile to refer to the development of ethics in the West. Till the end of the nineteenth century, ethics was fundamentally metaphysical. Moral philosophy centred round a discussion of morals in the context of the universe and a man's place in it. The united effort of the Idealists like Green, Bosanquet and Bradley "was to continue the age-long war of believers in genuine morality and real obligation against every kind of rationalistic substitute."[13]

The problems of ethics are the problems of the nature of the end for man and of the supreme good. Man as a moral being has a moral end—self-realization and the good is itself self-realization. Man is by habit and training moral; he has a sense of obligation — a moral consciousness. The question why a man is moral is illegitimate for "to take virtue as a mere means to an ulterior end is in direct antagonism to the views of moral consciousness."[14]

Man is known for his actions or deeds morally good or morally bad. Moral acts are those which should be done by man. Morality considers his own acts as "a kind of self-assertion or self-expression" "For morality, the end implies the act and the act implies self-realization."

Self-realization is not mere self-improvement or self-development. "The aim of morality", according to Bradley, "is not only realization

of the self, but of the self as a whole. Self-realization represents a process of the identification of subject with object — the distinction between the knowing mind and the object known disappears. The moral being realizes that the world is his and that his will is expressed therein." Spinoza talked of identification with nature or God. To Bradley, complete identification exists in reality-existence is real and not illusory. Self-realization as a whole means complete identification of man with the world around him so that no sense of isolation or separateness exists — one becomes a member in a whole, the finite comes to exist in moral organization. Reality is one and infinite.

Ethics is a part of metaphysics. Evil and good are mere appearances, the lower and higher. The lower is to be made complete. The higher and lower appearances are "one-sided aspects, each over-ruled and transmitted in the whole." Their separateness and union are measured by the idea of perfect Reality. More the good in anything, the more reality it has. Better the action, the more reality is bestowed upon the doer. Self-realization is only one aspect of the reality of things leading to absolute reality.

Practical Code of Islām:

In Islām, ethical doctrine and law are interrelated. *Sharī'at*, the Divine code of ethical and social principles for human and social guidance, reigns supreme in the body politic of Islām. *Fiqh* constitutes a systematic codification of the *Sharī'at* at a given time. *Fiqh* makes no distinction between the rules regulating human conduct or principles that concern ritual. The moral teaching of Islām forms an integral part of a practical code designed to lead the true believer to follow and win the approval of Allāh. *Taqwā*, thus, amounts to *Sharī'at*-abidedness.

The moral ideas of Islām are comprised in the term *muruwwa*, which literally means virtue. Righteousness consists in accepting the principles of the faith: righteousness does not consist in formalities but in accepting the broad principles of the faith. A mere ritual performance is not alone good, but a belief in Allāh, the last day, the angels and the Book and doing good are righteousness. The Qur'ān proclaims "Righteousness is not that you shall turn your faces

towards the east or the west. Righteousness is this that one should believe in Allāh and the last day and the angels and the Book and the prophets, and give away wealth out of love for Him to the near of kin and the orphans and the needy and the wayfarer and the beggar and for (the emancipation of) the captives, and keep up prayer and pay the poor rate; and the performers of their promise when they make a promise, and the patient in distress and afflication and in time of violence—these are they who are true (to themselves) and these are they who guard (against evil)[15] "And what (harm) would it have done them if they had believed in Allāh and the last day and spent (benevolently) of what Allāh had given them?"[16] "Do you then believe in a part of the Book and disbelieve in the other?... These are they, who buy the life of this world for the hereafter, so their chastisement shall not be lightened nor shall they be helped."[17]

"O children of Adam! We have indeed sent down to you clothing to cover your shame, and as an adornment, and the garment of piety — that is the best."[18] "And make not Allāh because of your swearing (by him) an obstacle to your doing good and guarding (against evil) and making peace between men, and Allāh is Hearing, Knowing."[19] Firmness in faith is enjoined on the true believer. "When you hear Allāh's communications disbelieved in and mocked at, do not sit with them until they enter into some other discourse."[20]

Belief is Submission:

The Qur'ān makes it clear that primary importance is attached to faith and then to conduct. The Prophet demanded from his followers adherence to certain beliefs and practices of which he was the exponent. Faith implies recognition and acknowledgement of basic principles of Islām and a will to perform the duties enjoined therein. Belief in Islām amounts to submission to the Divine Will. Belief is essential and the kindly acts of an infidel cannot be held as equivalent. "O you who believe! enter into submission one and all, and do not follow the footsteps of the Satan; surely he is your open enemy."[21] "Our Lord! pour out upon us patience and cause us to die as Muslims."[22] "You shall not serve any but Allāh and (you shall do) good to (your) parents, and to the near of kin, and to

the orphans and the needy."[23] "And the servants of the Beneficent God are they who walk on the earth meekly, and when the ignorants address them, they say, Peace. And they who pass the night prostrating themselves before their Lord and standing. And they who say: O our Lord! turn away from us the chastisement of Hell, surely the chastisement thereof is perishment."[24]

No Righteousness without Sacrifice:

Righteousness consists in making the supreme sacrifices by spending material wealth and all that one holds dearest for the sake of the other deserving ones. Righteousness is not, therefore, lip service but concrete manifestation of the supreme sacrifice that a true believer is prepared to make in submission to the Divine will. "By no means shall you attain to righteousness until you spend (benevolently) out of what you love: and whatever thing you spend, Allāh surely knows it."[25] "They ask you as to what they should spend. Say: whatever wealth you spend, it is for the parents and the near of kin and the orphans and the needy and the wayfarer, and whatever good you do, Allāh surely knows it."[26] "O you who believe! spend out of what We have given you before the day comes in which there is no bargaining, neither any friendship nor intercession, and the infidels, they are the unjust."[27]

Next to piety or fear of Allāh comes equity or just dealing. "Act equitably, that is nearer to piety."[28]

Truth is from Allāh:

Allāh is the arbiter of morality and the determiner of truth. Nothing is good or true, but Allāh has made it so, and nothing is evil or untruth, but Allāh has determined it such. "The truth is from your Lord, therefore you should not be of the doubters."[29] "His saying is the Reality."[30] ". . . .and that which is revealed to you from your Lord is the truth."[31] "And say, the truth has come and the falsehood vanished."[32] "That is because Allāh is the Truth, and that what they call upon besides Him—that is the falsehood."[33] "We did not create the heavens and the earth and what is between them too save with truth and (for) an appointed term."[34]

Apostle—the Messenger of Truth:

All the Prophets were in fact the messengers of Truth from the Lord. Truth was revealed to the Prophet of Islām, who taught it to humanity. "And He revealed with them (Prophets) the book with truth."[35] "The Apostle has come to you with the truth from your Lord."[36] "We sent all these apostles as bearers of glad tidings and warners."[37]

The Qur'ān—the Book with the Truth:

The truth, which was revealed to the Prophet is contained in the Qur'ān. "This is because Allāh has revealed the Book with the truth."[38] "He has revealed to you the Book with truth verifying that which went before it."[39] "And say the truth has come and the falsehood vanished."[40] The Qur'ān gives a true satisfaction to man's heart. "Those who believe, and whose hearts find rest in the remembrance of Allāh. Lo! in the remembrance of Allāh. hearts do find rest."[41]

True Guidance is from Allāh:

Man is directed towards the two high ways of good and evil (*al-mā'rūf* that which is approved; and *al-munkir* which is forbidden). True guidance is, therefore, from Allāh, "surely, Allāh's guidance that is the (true) guidance. Those to whom We have given the Book follow it, as it ought to be followed."[42] "Surely, the guidance of Allāh, that is the (true) guidance."[43] "Surely, the (true) guidance is the guidance of Allāh."[44]

Allāh guides whomsoever He likes and increases those in guidance who go right. "He guides whom He likes to the right path."[45] "So Allāh has guided by His will those who believe unto the truth about which they differed."[46] "Whomsoever Allāh guides, he is the one who follows the right way."[47] "And Allāh increases in guidance those who go aright."[48] "And whom Allāh guides, there is none that can lead him astray."[49] "Allāh chooses for himself whom He pleases, and guides to Himself him who turns to (Him) in penitence."[50] "And as for those who follow the right direction,

He increases them in guidance and gives them their guarding (against evil)."[51]

Allāh is not heedless of man's actions, and knows who can be guided aright. "And Allāh is not at all heedless of what you do."[52] "He knows in whose future is guidance."[53] "Allah guides whom He pleases, and He knows best the followers of the right way."[54] However, Allāh does not guide the unjust. "Surely, Allāh does not guide the unjust people."[55]

Ethical Principle of Good and Evil:

"Enjoin good and forbid wrong" is the Islāmic ethical ideal. Good and evil are determined according to the commands of Allāh. The soul (*nafs*) of man, according to the mystic, is inclined towards evil and possesses two properties—the first prevents it from good and the other drives it towards the evil: the only hope of man is "to curb its desires with the bridle of piety." All power appertains to God, and an individual, who believes in Allāh, the Apostle, and the Day of Judgement, shall speak what is good. The Prophet hated untruth. Misers and cowards may be taken as believers but not a liar as for example, promise breakers, treacherous people and litigants in bad faith and hypocrites.

Good and evil are not equal, and truth and falsehood differ. "The bad and the good are not equal, though the abundance of bad may astonish you."[56] "Nay! We cast the truth against the falsehood, so that it breaks its head, and lo! it vanishes."[57] "That is because Allāh is the Truth, and that what they call upon besides Him — that is the falsehood."[58] "Say the truth has come, and the falsehood shall vanish and shall not come back."[59]

The truth is imperative: "Keep to the truth; for a sharp sword in the hand of a brave man is not more powerful than the truth." "And (as for) the believing men and the believing women, they are guardians of each other; they enjoin good and forbid evil and keep up prayer and pay the poor rate, and obey Allāh and His Apostle."[60] "And he who brings the truth and (he who) accepts it as truth—these are they who guard (against evil)."[61] "And do good (to other) as Allāh has done good to you."[62] According to a saying of the

Prophet, a *Muhājir* (one who migrates) is one who abstains from doing what is forbidden to him by Allāh."[63]

Categories of Actions:

The *Fiqh* has reduced expressions of moral sentiments derived from the Qurān and Ḥadīth to a series of practical regulations which are classed into five categories. The first is *Farḍ* or *Wājib* — they are essential duties, the fulfilment of which is rewarded and their neglect is punished. "O you who believe! fulfil you obligations."[64] "The second is *Mustaḥab, Sunnat, Masnūn* or *Mandūb*—non-essential but recommended duties; their fulfilment is rewarded but their neglect is not punished. The third is *Jāyiz* or lawful actions for which there is neither reward nor punishment. The fourth is *Makrūh*, disapproved but not forbidden actions. And the fifth is *Ḥarām*—forbidden and punishable acts.

Deeds According to Intentions and Ability:

In all actions, what is ethically important in Islām, is the intention (*Niyyat*). "All actions are determined by their intentions"[65] is the saying of the Prophet. *Niyyat* or intention is synonymous with "will" and "purpose" and comprises two essentials—knowledge (conception) and action. Conception is the root condition and then action follows. The intention of the believers, says one *Ḥadīth* is of more account than his doing. Ghazālī explains it as meaning that "deeds" and "intentions" are to be considered with reference to the object to be attained. The real good lies in obedience to the law of God, implied by the good intention. "One whose intention is to return to Allāh and His Prophet, he really returns to them."[66]

According to Bukhāri, it is not the action but the intention that counts for reward. "All actions are according to intentions and the fruit of every action is according to intention."[67] "And all have degrees according to what they do; and your Lord is not heedless of what they do."[68] Thus the hypocrites are denounced in the Qur'ān. Virtue, therefore, consists in the possession of goodly qualities. "Externals are also to be observed."[69] There is individual

responsibility for individual actions. "Every man is responsible for what he shall have wrought."[70] "Every soul is held in pledge for what it earns."[71] "And We have made everyman's actions to cling to his neck, and We will bring forth to him on the resurrection day a book, which he will find wide open. Read your book; your own self is sufficient as a reckoner against you this day."[72] "Nor can the bearer of a burden bear the burden of another."[73] "The scourge of God affects both the good and bad, but on the day of resurrection, each will be accountable for his own actions."[74] "Whatever benefit comes to you (O man!) it is from Allāh, and whatever misfortune befalls you, it is from yourself."[75] "And whatever affliction befalls you, it is on account of what your hands have wrought, and (yet) He pardons most (of your faults)."[76]

Obligations are imposed by Allāh on the believer to the extent of his (believer's) ability. "Allāh does not impose upon any soul a duty but to the extent of its capacity."[77] "And (as for) those who believe and do good — We do not impose on any soul a duty except to the extent of its capacity."[78] "And We do not lay on any soul a burden except to the extent of its ability, and with Us is a Book which speaks the truth and they shall not be dealt with unjustly."[79] "....Allāh does not lay on any soul a burden except to the extent to which He has granted it. Allāh brings about ease after difficulty."[80] The Prophet's advice to his followers was to "undertake actions according to their capacities."[81]

Believers do Good:

"Those who believe do good" means that belief in the general principles of Islām leads one into doing good deeds. "And every one has a direction to which he turns (himself), therefore hasten to (do) good works."[82] "Surely, those who believe and do good deeds... they shall have no fear, nor shall they grieve."[83] "And (as for) those who believe and do good deeds, We shall make them enter (a state of) great happiness."[84] "And those who believe and do good."[85] "Allāh has promised to those, who believe and do good deeds (that) they shall have forgiveness and a mighty reward."[86] "Surely, Allāh enjoins the doing of justice and the doing of good

(to others) and the giving to the kindred, and He forbids indecency and evil and rebellion; He admonishes you that you may be mindful."[87] "But those who believe and do good, for them there is a reward that shall never be cut off."[88] "O you who believe! why do you say that which you do not do."[89] "Verily those who believe and do righteous deeds — these! they are the best of the creation."[90]

Prayer for Good:

A believer is required to pray to the Almighty for good in this world and the next. "Originator of the Heavens and the earth!. Thou art my guardian in this world and the hereafter; make me die a Muslim and join me with the good."[91] "And say: My Lord! make me to enter a goodly entering, and cause me to go forth a goodly going forth, and grant me from near Thee a power to assist (Me)."[92] "Our Lord! make not our hearts to deviate after Thou hast guided aright."[93] "Call on your Lord humbly and secretly; surely He does not love those who exceed the limits."[94] "Man is not worried of praying for good."[95] "But there are some people, who say, 'Our Lord! give us in the world, and they shall have no portion in the hereafter.' And there are some among them who say: 'Our Lord! grant us good in this world and good in the hereafter and save us from the chastisement of the fire. They shall have (their) portion of what they have earned, and Allāh is swift in reckoning."[96]

Development of Moral Philosophy in the West:

Before discussing the concept of "good" in Islām, a reference is to be made to the development of moral philosophy in the West. Moral discourse centres round the concept of good. Idealism regarded good as self-realization or complete identification of man with the universe. Moore enunciates his theory of intuitionism which dealt the greatest blow to Idealism. Moore starts his moral discussion with two questions (1) What things should exist for their own sake and (2) what kind of actions should we perform? What ethical propositions are susceptible of proof, if any? Things that should exist for their own sake are things intrinsically good. It is

impossible to define good: it is a simple unanalysable property; it is just a matter of seeing. As yellowness cannot be defined, so good is indefinable. Moral truths are known to be true by intuition. The Naturalistic fallacy is to define the indefinable in terms of some natural object. The simple notions peculiar to ethics are 'good' and 'bad'. The naturalistic and metaphysical concepts of good seek to define good in terms of some natural object, like pleasure, or in terms of a metaphysical object, respectively. Accordingly, J. S. Mill used the expressions "good as an end" and "desirable as an end" people not only actually desire good but regard good alone as an end. "The quality of goodness", says Moore, "is not like other qualities". According to him, the fault of the Utilitarians is that they defined good, which is a non-natural quality, in terms of pleasure or desire, which are natural objects.

While Intuitionism offers no intelligent account of relation between moral judgement and conduct nor did it make a distinction between beliefs and attitudes, Emotivism brings out a clear connection between moral judgement and conduct. According to this theory, moral discourse is characterised by its reference to its purpose. In the words of Stevenson, "the major use of ethical judgement is not to indicate facts, but to create an influence." The purpose of a speaker in a moral discourse is to influence, not the beliefs, but the attitudes of his audience, and in consequence, conduct. Moral words, have, therefore, not merely descriptive but emotive meaning.

Accordingly, a distinction is made between beliefs and attitudes. People may have different beliefs. Disagreement in beliefs may lead to difference in attitudes. An agreement in belief may yet result in difference of attitudes. An agreement in attitudes may not be the result of agreement in belief. Thus, the distinctive feature of moral judgement is not to convey the belief of the speaker but to evince his attitudes and hence in all probability, the conduct of the person addressed. Moral discourse, therefore, is not informative but influential.

Emotivism is in error when it believes that the moral words have emotive meanings. The element of influence is actually rare in moral discourse. Moral advice is given in a dispassionate manner.

Conversely, a highly emotive discourse may be unconnected with morals. No doubt, intuitionism has left gaps, but the gap filled up by emotivism is not useful.

An amendment to emotivism was wrought by R. A. Hare, who propounded his theory of prescriptivism meaning that the essence of moral discussion is not influence but guidance. Moral discourse is fundamentally rational. A rational being asks for guidance thus, what ought I do? The answer would be replied by prescriptive discourse.

Both in England and the U.S.A., it seems that metaphysics is virtually dead. Moral philosophy has taken a different turn. Wittgenstein took a much wider view of moral philosophy and Sartre propounded his existentialist philosophy. According to him, existence precedes essence. This is the special feature of human beings that their existence precedes the essence. Human beings unlike inanimate objects are not first conceived. They exist and what they are or what they become depends upon what they do. Man has been free to do what he likes. Existentialism points out to this human freedom and to human choice. Such an argument leads to the main proposition that either goodness exists unconditionally or does not exist at all. Modern Western philosophy insists that morality is a matter not of knowing this or that but of acting.

What Constitutes Good:

What constitutes good has been clearly defined in the Qur'ān. Good consists in doing good deeds. Good consists in such things as are attained by man by his own will and effort out of the number of things for which man is created, and evil comprises those things that stand in the way of achieving that good or his will and effort. Wisdom itself is a great good. "My Lord! grant me wisdom and join me with the righteous."[97] "He grants wisdom to whom He pleases, and whoever is granted wisdom he indeed is given a great good."[98] Good deeds are enumerated in the Qu'rān thus—service to people, good to parents, near of kin, orphans, the needy, the way-farer, the neighbour; spending good things in charity, to keep up

prayer and to pay the poor rate; benevolence and reconciliation and to fight in the way of Allāh.

Good is generally defined in the following verse of the Qur'ān... "He knows that there must be among you sick, and others who travel in the land seeking of the bounty of Allāh, and others who fight in Allāh's way, therefore read as much of it (Qur'ān) as is easy (to you,) and keep up prayer and pay the poor rate and offer to Allāh a goodly gift, and, whatever of good you send on before hand for yourselves, you will find it with Allāh; that is best and greatest in reward; and ask forgiveness of Allāh; surely Allāh is Forgiving, Merciful."[99] "Service to every living being carries with it good".[100]

Believers are enjoined to do good to their parents near of kin, orphans, the needy, the wayfarer, the neighbour, the sick, the slave and those who fight in the way of Allāh. "You shall not serve any but Allāh and (you shall do) good to (your) parents, and to the near of kin, and to the orphans and the needy, and you shall speak to men good words and keep up prayer and pay the poor rate."[101] "They ask you as to what they should spend. Say: whatever wealth you spend, it is for the parents and the near of kin and the orphans and the needy and the wayfarer, and whatever good you do, Allāh surely knows it."[102] "Be good to parents, near of kin, orphans, needy, neighbour of (your) kin, alien neighbour, companion in journey, wayfarer and whom your right hands possess."[103] "And do not give away your property which Allāh has made for you (a means of) support to the weak of understanding, but feed them thereout and clothe them."[104] "You should deal towards orphans with equity."[105]

The believers are commanded to keep up prayer and pay the poor rate. "...you shall speak to men good words and keep up prayer and pay the poor rate."[106] "Surely those who believe and do good deeds and keep up prayer and pay the poor rate — they shall have their reward from their Lord."[107] "Those who keep up prayer and spend (benevolently) out of what We have given them: these are the believers in truth."[108] "And (as for) the believing men and the believing women ... they enjoin good and forbid evil and keep up prayer and pay the poor rate...[109]

A believer is required to give away good things in charity; but charity should not be followed by injury or reproach. Private acts of charity are to be preferred to the public ones. "O you who believe! spend (benevolently) of the good things ... and do not aim at what is bad."[110] "By no means shall you attain to righteousness until you spend (benevolently) out of what you have; and whatever thing you spend, Allāh surely knows it."[111] "Those who spend (benevolently) in ease as well as in straitness, and those who restrain (their) anger and pardon men, and Allāh loves the doers of good (to others).[112] "Those who keep up prayer and spend (benevolently) out of what We have given them; these are the believers in truth."[113] "If you give alms openly it is well and if you hide it and give it to the poor, it is better for you."[114] "Kind speech and forgiveness are better than charity followed by injury."[115] "O you who believe! do not make your charity worthless by reproach and injury, like him who spends his property to be seen of man and does not believe in Allāh and the last day."[116] "The parable of those who spend their property in the way of Allāh is as the parable of a grain growing seven ears (with) a hundred grains in every ear; and Allāh multiplies for whom He pleases."[117] "There is no good in most of their secret counsels except in (his) who enjoins charity or goodness or reconciliation between people; and whoever does this, seeking Allāh's pleasure, We will give him a mighty reward."[118]

Reward is with Allāh:

It is futile for a believer to depend on any one for the reward of his good deeds; reward is with Allāh alone. Ḥaḍrat Nūḥ said to his *Ummat* "my reward is only with Allāh."[119] "And this world's life is naught but a play and an idle sport; and certainly the abode of the hereafter is better for those who guard (against evil); do you not then understand?' [120] "(As for) those who spend their property in the way of Allāh, then do not follow up what they have spent with reproach or injury, they shall have their reward from their Lord, and they shall not fear nor shall they grieve".[121] "And those who believe in Allāh and his Apostles and differentiate not between any one of them—Allāh will grant them their rewards."[122] "...and We will most certainly give to those who are patient their reward for the

best of what they did."[123] "Allāh's reward is better for him, who believes and does good, and none is made to receive this except the patient."[124]

Good Rewarded:

Good is rewarded with good. Good is rewarded in several ways; the doers of good achieve greater good, prosperity, success, love and nearness to Allāh. Good deeds take away evil deeds; and those who repent and do good receive Allāh's forgiveness.

Whatever good a man does, he does it to his own good. "And whatever good thing you spend, it is to your own good; and you do not spend but to seek Allāh's pleasure: and whatever good things you spend shall be paid back to you in full."[125] "... for those who do good in this world is good."[126] The Prophet said, "Allāh is kind to those, who are kind hearted."[127] "Whoever does good, it is for his own soul."[128] "He may reward those who do good with goodness."[129] "If you do good you will do good for your own souls."[130] "The real good is the good of the next world," is the saying of the Prophet."[131]

Good is rewarded by Allāh. "And as to those who believe and do good deeds, He will pay them fully their rewards.'[132] "There is no good in most of their secret counsels except (in his) who enjoins charity or goodness or reconciliation between people and whoever does this, seeking Allāh's pleasure, We will give him a mighty reward."[133] "Surely, Allāh does not waste the reward of the doers of good."[134] "We granted him (Mūsā) wisdom and knowledge and thus do We reward those who do good (to others).[135] "They shall have with their Lord what they please; that is the reward of the doers of good."[136]

Good is multiplied several folds. "The parable of those who spend their property in the way of Allāh is as the parable of a grain growing seven ears (with) a hundred grains in every ear; and Allāh multiplies for whom He pleases."[137] "We will increase unto the well doers.."[138] "The devil threatens you with poverty and enjoins you to be niggardly, and Allāh promises you forgiveness from Himself and abundance; and Allāh is ample-giving, knowing."[139] "Whoever

brings a good deed, he shall have ten like it."[140] "Whoever brings good, he shall have better than it; and they shall be secure from terror that day (of resurrection)"[141]

There are several sayings of the Prophet on this point. "Good carries with it seven or ten fold good, while evil carries with it the same evil."[142] "One who abstains from good, Allāh abstains (good) from him."[143] "Seek nearness to Allāh and do not desire death; if a man is good, his goodness shall increase and if he is bad, he might repent."[144]

Good is rewarded with prosperity, happiness and success. "Thou art our Patron: so make us triumph over the disbelieving people."[145] "And (as for) those, who believe and do good deeds ... We shall make them enter (a state of) great happiness."[146] "And the measuring out on that day will be certain; then as for him whose measure (of good deeds) is heavy, these are they who shall be successful. And as for him whose measure (of good deeds) is light, these are they who have made their souls suffer loss, because they disbelieved in Our communication."[147] "Then he whose balances shall be heavy — these! they are the blissful ones"[148]

Good breeds love and nearness to Allāh. "Surely, (as for) those who believe and do good deeds, for them will Allāh bring about compassion."[149] "And not your wealth, nor your children, are the things which bring you near Us in station, but whoever believes and does good, these it is for whom is a double reward for what they do, and they shall be secure in the highest places."[150]

Those who repent and do good deeds receive Allāh's forgiveness. "And most surely I am most Forgiving to him who repents and believes and does good, then continues to follow the right direction."[151] "Except such as repent and believe and do good, these shall enter the garden, and they shall not be dealt with unjustly in any way."[152]

"Then (as for) those who believe and do good, they shall have forgiveness and an honourable sustenance."[153] "Except those who are patient and do good, they shall have forgiveness and a great reward."[154] "Those who keep aloof from the great sins and the

indecencies but the passing idea; surely your Lord is liberal in forgiving."[155] "Repentance with Allāh is only for those who do evil in ignorance."[156] "And repentance is not for those who go on doing evil deed, until when death comes to one of them, he says, surely now I repent."[157] "And whoever repents and does good, he surely turns to Allāh a (goodly) turning.'[158] "But as to him who repents and believes and does good, may be he will be among the successful."[159]

Good takes away evil deeds. "And keep up prayer in the two parts of the day and in the first hours of the night; surely good deeds take away evil deeds."[160] "And (as for) those who believe and do good, We will most certainly do away their evil deeds and We will most certainly reward them the best of what they did."[161] "Repel evil by what is best."[162]

Allāh—Good Goal of Life :

Allāh is the good goal of life, which a believer should strive to achieve. "And unto Allāh are all affairs returned, Allāh is the end of all affairs."[163] ". . . and whatever good you send before for yourselves, you shall find it with Allāh."[164] "Whoever submits himself entirely to Allāh, and he is the doer of good, he has his reward from his Lord."[165] "And if Allāh touch you with affliction there is none to take it off but He; and if He visit you with good, then He has power over all things."[166] "What remains with Allāh is better for you, if you are believers."[167]

Consequences of Evil :

Those who do evil, bear evil consequence. Evil has been described in the Qur'ān as follows:

"Evil is that for which they have sold their souls."[168] "Evil is that which your belief bids you, if you are unbelievers."[169] "So they learn . . . .that by which they make a distinction between a man and his wife; and they cannot hurt with it any one except with Allāh's permission and they learn what harms them and does not profit them, and certainly they know that he who buys it shall have no share of good in the hereafter, and certainly vile is the price for which they

have sold their souls."[170] "Whoever does evil he shall be requited with it."[171] "Then there befell them the vices of that which they had worked."[172] "And if you do evil it will be against the same."[173] "And man prays for evil (hastenes for evil) as he ought to pray for good, and man is ever hasty."[174] ". . . We try you by evil and good by way of probation and to Us you shall be brought back."[175] "Turning away haughtily that he may lead (others) astray from the way of Allāh; for him is disgrace in this world, and on the day of resurrection We will make him taste the punishment of burning."[176] "And whoever brings evil, these shall be thrown down on their faces into the fire."[177] "And whoever does evil it is against it (soul)."[178] "And most surely the infidels are in the burning fire."[179]

Soul Paid According to its Earning :

Every soul is paid according to its own earnings. "And that man shall have nothing but what he strives for."[180] "And every soul shall be fully paid what it has earned."[181] "And whoever commits a sin, he only commits it against his own soul."[182] "Therefore whoever goes aright, he goes aright for his own soul".[183] "And whoever strives hard, he strives only for his own soul".[184] ". . . so whoever follows the right way, it is for his own soul, and whoever errs only to its detriment."[185] "And every soul shall be paid back fully what it has done, and He knows best what they do."[186] "Behold! you are those who are called upon to spend in Allāh's way, but among you are those who are niggardly, and whoever is niggardly is niggardly against his own soul."[187]

Hold Fast to Allāh—The Right Path :

The believers are commanded to hold fast to Allāh, which constitutes the right path. Those who hold fast to Allāh are careful of their duty to Allāh, they serve Him, fear Him and obey Him and also seek His pleasure. "And whoever holds fast to Allāh, he indeed is guided to the right path."[188] "O you who believe! be patient and vie in endurance and remain steadfast and be careful of (your duty to) Allāh, that you may be successful."[189] "O you who believe! be careful of (your duty to) Allāh and seek means of nearness to Him

and strive hard in His way that you may be successful."[190]

Those who serve Allāh are guided aright. "Surely, Allāh is my Lord and your Lord, therefore, serve Him; this is the right path."[191] "Verily this community of yours is a single community, and I am your Lord, therefore serve me."[192] "Say: surely my prayer and my sacrifice and my life and my death are (all) for Allāh, the Lord of the worlds."[193] "And brought high will be the garden unto the God-fearing, not far-off."[194] "On the day that every soul shall find present what it has done of good and what it has done of evil, it shall write that between it and that (evil) there were a long duration of time; and Allāh makes you to be cautious of (retribution from) Himself, and Allāh is Compassionate to the servants."[195]

Those who obey Allāh and seek His pleasure are on the right path. "Ver ly Allāh is my Lord; and your Lord, wherefore worship Him, this is the straight path."[196] "And (as for) the believing man and the believing woman, they are guardians of each other; they enjoin good and forbid evil and keep up prayer and pay the poor rate, and obey Allāh and His Apostle."[197] "And among men is he, who sells himself to seek the pleasure of Allāh; and Allāh is affectionate to the servants."[198]

Those who fear Allāh are on the right course.". . . and fear Me, that I may complete My favour on you and that you may remain guided."[199] "Those only are believers whose hearts become full of fear when Allāh is mentioned, and when His communications are recited to them, they increase them in faith, and in their Lord do they trust."[200] The followers of the right course have Allāh's blessings. "Those are they on whom are belessings and mercy from their Lord, and those are the followers of the right guided."[201]

Follow the Prophet—Right Guidance:

It should be the highest ambition with the believer to follow the Prophet, Like the contents oı the Qur'ān, the *Ḥadīth* deal with all aspects of ethical requirements. In Islām are included the noblest virtues and the finest qualities. Therefore, it is incumbent upon a Muslim to follow the Prophet, who is an

exemplar."... 'Believe in Allāh and His Apostle, the *Ummi* Prophet who believes in Allāh and His words and follow him so that you may be guided"[202] "We might distinguish him who follows the Apostle from him who turns back upon his he ls, and this was surely hard except for those whom Allāh has guided aright."[203] "And (as for) the believing men and the believing women, they are guardians of each other; they enjoin good and forbid evil and keep up prayer and pay the poor rate, and obey Allāh and His Apostle."[204] "And those who believe in Allāh and His Apostles and do not differentiate between any of them—Allāh will grant them their rewards."[205]

Worldly Objects—Temptations:

Worldy objects like wealth, children and relations are temptations, by which men shall be tried whether they love Allāh better than the worldly objects or not. "And not your wealth, nor your children, are the things which bring you near Us in station but *whoever believes and does good,* these it is for whom is a double reward, for which they do, and they shall be secure in the highest places."[206] "Your relationships would not profit you, nor your children, on the day of resurrection. He will decide between you, and Allāh sees what you do."[207] "You shall certainly be tried respecting your wealth and your souls... and if you are patient and guard (against evil), surely, this is one of the affairs (which should be) determined upon."[208]

The End is for the Muttaqī:

The end is for those who do good and guard against evil. For a believer that which should concern most is the question of *'āqibat* or end. The Prophet said, "Although I am an Apostle of Allāh, yet I do not know my end."[209] "There is no blame... for him, who guards (against evil)".[210] To be righteous is an achievement and a matter of bliss. "Surely Allāh is with the believers."[211] "Most surely, the righteous are in bliss."[212]

Those who guard against evil will have the abode of the next world. "And this world's life is naught but a play and an idle sport;

and certainly the abode of the hereafter is better for those who guard (against evil) do you not then understand?"[213] "The provision of this world is short, and the hereafter is better for him who guards (against evil); and you shall not be wronged the husk of a date store."[214] "And the end is for those who guard (against evil)"[215] "And the abode of the hereafter is better for those, who guard (against evil)"[216] "Surely, those who guard (against evil) shall be in the midst of gardens and springs."[217] "For those who do good in this world is good, and certainly the abode of the hereafter is better; and certainly most excellent is the abode of those, who guard (against evil)"[218].

NOTES TO CHAPTER XI

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59 Ibid, 34:6
60 Ibid, 9:9
61 Ibid, 39:4
62 Ibid, 28:8
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64 Al-Qur'ān, 5:1
65 Bukhārī, p. 4
66 Ibid, p. 30
67 Ibid, p. 4
68 Al-Qur'ān, 6:16
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202 Ibid, 7:20
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204 Ibid, 9:9
205 Ibid, 4:21
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CHAPTER XII

Retrospect

Of recent years, there has been a tendency on the part of Muslim writers to identify Islām with various forms of Western political theories, however conflicting they may be in their nature and contents. If Marxism is in vogue, they would say it is found in Islām. Or, if Communism comes into prominence, it is passed on as Islāmic with certain modifications. If Democracy is much talked of, it is claimed that Islām stands for democracy. If Nationalism is praised, they gladly condescend to think of Islām in terms of nation and nationality. If the location of Sovereignty is in dispute, they seem to resolve the issue by assigning sovereignty to God. If modern secular states are under discussion, they are content with saying that the Islāmic State is a theocracy. Some hold that the political system of Islām is based on Dictatorship. Then there are extreme views regarding Islām. Some believe that there is no politics in Islām, others hold that Islām is all-politics. If they are reminded that Islām is a religion of peace, they atonce say, "Yes, Islām teaches toleration." Some regard Islām as religion, others as something more than religion. If they are told that wars in Islām were offensive in character, they would reply that "in Islām there are defensive wars."

A peculiar attitude of Muslim writers is that they do not hesitate to associate a combination or combinations of the Western theories with Islām or they accept one Western theory as Islāmic and reject the other as non-Islāmic, or regard Islām as something between any two Western theories. As for example, it is claimed that a combination

of sovereignty and democracy is easily possible in Islām. Secondly, it is said that combinations of democracy, nationalism and Marxism can be adjusted with Islām. Thirdly, some regard democracy alone as Islāmic and reject Marxism as un-Islāmic. Fourthly, some assert that Islām is a mean between Capitalism and Marxism.

The confusion arises out of a misunderstanding of the true nature of Islāmic Political Theory and a wrong method of interpreting Islām through the medium of Western ideas, terminology and techniques.[1]

It will be observed that an attempt has been made in the preceding pages to present a dispassionate study of the nature of Islāmic Political Theory. Being conscious of the controversial nature of the subject and the complicated issues involved in it, the writer does not claim any finality about them. He seeks the indulgence of the reader and would welcome any constructive criticism that might be made on the views expressed in this study. For the convenience of the reader, a summary of the main contents of the preceding Chapters is made in the following lines. May Allāh guide us in the right direction.

It is now admitted in the West that the science of politics as a discipline has been "working in a limited sector of man's experience with politics."[2] Further it is confessed that the Western social structure, having lost its religious basis, is in "danger of becoming a system of organized plunder."[3] The West has, accordingly, ignored the study of the political theory in Islām and the ethical basis of it. In the annals of human history, the Muslim *Millat* was able to develop its own political theory and structure, which were based on its experiences with the theory and practice of political power in pursuance of the ethical ideals embodied in the *Dīn* of Islām—a code of Divine guidance in all spheres of human activity.

Before describing the underlying principles of polity in Islām, it is essential to determine the meaning and implication of Islām. Islām has generally but inaccurately been called religion. A set of Muslim thinkers, however, describes Islām as "more than religion". As a matter of fact, Islām is a *Dīn*. It is gratifying to note that for the first time in the constitutional history of Pakistan, Islām has

been recognized as a *dīn* and state religion in the present regime. It becomes imperative, therefore, to make a distinction between the terms of religion and *Dīn* at the very outset.

The term *Dīn*[4] occurs at several places in the Qur'ān: it is then qualified as *Dīn-ullāh,*[5] *Dīn-ul-Qayyim,*[6] *Dīn-ul-Ḥaq,*[7] *Dīn-Ḥanīfah*[8] and *Aḥsan-u-Dīna*[9]. It is not correct to translate the term *Dīn* as referring to either religion, Law or the Last Day. Infact, the religious, legal and judicial aspects are the few important elements in the all-comprehensive and indivisible code, called *Dīn*. Unlike religion, *Dīn* is not a human creation, a biological prodect or instrument, but a Divine revelation. Allāh says in the Qur'ān, "This day have I perfected for you your *Dīn* and completed My favour on you and chosen for you Islām as a *Dīn*"[10] "Surely, the (true) *Dīn* with Allāh is Islām"[11] Again, *Dīn*, unlike religion, is not an attitude of expectancy, a mere play or sport or prize. The Qur'ān warns mankind thus "And leave those who have taken their faith for a play and an idle sport, and whom this world's life has deceived."[12] Further, *Dīn* unlike religion, provides for *Minhāj* and *Shrī'at*—[13] a way of life and a law to establish it. On the part of the believer, *Imān* constitutes an abiding faith in Allāh as the Lord, Muḥammad (May Allāh's peace be upon him) as His Last Prophet and Islām as a *Dīn*.

Islām as a *Din* is not only the name of certain beliefs and forms of worship, but it involves the whole being of man; it is, in fact a way of life and a complete code for the guidance of the individual's activities from the cradle to the grave and from the grave to the yonder world. *Dīn* comprehends both *Dunyā* (this world) and *Akherat* (the next world).

Islām, thus, provides a complete code of creed and morals and a social order creative of polity to establish an extensive Commonwealth—all built up in the belief of One Allāh, Omnipresent and Omnipotent. Islām represents a noble ideal of a harmonious whole and an indivisible reality. From the Divine Revelation, the Qur'ān, proceeds the *Dīn* of Islām which lies at the basis of the whole organization, individual and corporate, religious and social, political and economic and ethical and cultural. Politics, being an integral aspect of *Dīn*, cannot be isolated from it. Concepts of political

significance such as *Mulk, Momin, Millat, Khilāfat, Sharī'at, Shūrā, Iṭā'at, Amwāl, Jihād* and *Khair* are so interlinked and interwoven in the organic wholeness of Islām as a *Dīn* that neither a separate political structure can be established nor an independent political theory be formulated without reference to the other aspects of Islām.

The *Dīn* of Islām from its very nature is the source of political authority. The principles of *Dīn* which are Divinely ordained, determine as to what constitutes political authority, not power; how it is created and delegated; how it can be exercised and for what end it should be employed. The political organization of Islām is vitally concerned with both the worlds and political authority is of service to man in this world as well as in the next. This world is not to be ignored in the interest of a world to come: this world is a world of preparation. Man has been created to subjugate the forces of nature and become its master. Self-realization is the goal towards which the activities of the individual are to be directed. Islām offers complete guidance in this respect—and the political organization established under the dictates of *Dīn* helps the believer in his individual and corporate existence to attain a virtuous conduct enabling him to secure good in this world and also in the next. The end of life is, therefore, *Khair*. Islām, to quote Syed Amīr 'Alī, is striving for righteousness"[14] The good in the next world is better and lasting. Allāh says in the Qur'ān, "whosoever desires the hereafter and strives for it as he ought to strive and he is a believer".[15] "And whosoever desires the gain of the hereafter, we will give him more of that gain, and whosoever desires the gain of this world, we will give him of it, and in the hereafter he has no portion"[16].

The Individual is the basic unit of human organization. Political philosophy deals with the nature of man in society and the state. The state as the highest form of human political organization regards the individual as a member and a citizen. Politics is mainly organized on the basis of Divine faith or human reason, called *Siyāsah Dīnīyah* or *Siyāsah 'Aqalīyah* by Ibn-Khaldūn. The question naturally arises "what is the position of the individual in either of the two political systems?"

The Western political system differs widely from the Islāmic political organization. While the former is called the state, the latter is known by the name of *Khilāfat*. Both the organizations are the products of human endeavour—yet one is guided by human reason, the other by Divine Revelation. The end of political organization is always the welfare of the individual. The Western state stands for human welfare in this world alone, but *Khilāfat* believes in the welfare (*Khair*) of the individual in this world as well as in the next. *Khilāfat* is , therefore, vitally concerned with the worldly and other-worldly affairs. And the individual in *Khilāfat* has his five-fold relations with the Almighty Allāh, the Universe created by Him, the Last Prophet, the *Khilāfat* and fellow members of the *Millat*. The individual believer is a member of the Muslim *Millat*, a citizen of *Khilāfat*, a deputy (*Nāib*) of Allāh on the earth and a devotee of the Prophet.

Unlike the West, where the individual has been styled as a social and political animal;[17] natural man, either savage or saint;[18] ungrateful being;[19] intellectual person; [20] pleasure-seeker;[21] "moral being;[22] and a "community building animal,"[23] the Musalmān has been referred to in the Qur'ān as a believing individual" (*Momin*).

Islām starts with the concept of a single humanity—a community of man—capable of realizing its destiny, oneness of mankind. In the intervening period, the world has to be divided into two-the world of believers and the world of unbelievers. The Muslim *Millat* is politically organized into *Khilāfat*, a universal political organization, founded on the belief of one God and His Last Apostle. The end of *Khilāfat* is the preservation of the faith and the enforcement of the Sharī'at with a view to realizing the ideal of a single community for the whole humanity. Islām conveyed, through the Last Apostle, to humanity, the Divine message of human equality in social status and legal rights. The individual believer (*Momin*) is required to develop a virtuous conduct (*taqwā*) to serve as a useful member of the community (*Millat*), which should achieve a real collective self so as to live, move and act as a single individual. The organization of the Muslim *Millat* and the development of the *Momin* go together and none can be neglected.

The Muslim *Millat* is the community of faith and the political organization of the Muslim *Millat* is *Khilāfat*. Citizenship in the *Khilāfat* extends both to the believers (*Momins*) un-believers (*Kāfirs*) and non-Muslims. Let us understand the position of the *Momin* in *Khilāfat* first.

A *Momin* professes faith in Islām. Belief in Islām amounts to submission to the Divine Will,[24] as manifested in the Divine Revelation, the Qur'ān, Those who are believers in the truth so revealed, believe in Allāh, His last Apostle, the angels, the last day and the Book. From faith proceeds deed. Those who believe, it is related in the Qur'ān, do good deeds; they keep up prayer, and spend benevolently out of what they possess. This is the righteous conduct on their part; it is their duty to "enjoin good and forbid wrong."[25]

The true source of human knowledge in Divine.[26] Man has not only been endowed with vast capacities and talents, but has also been commanded by the Almighty to reflect[27] over His creation. The true *Momin*, therefore, is one who prays to Allāh and submitting to His command, reflects over the elements of nature[28] so as to conquer them for the benefit of mankind. This will be possible only when man does not degrade himself by *Shirk*[29] (associate with Allāh other things). Man is thus freed from the slavery of nature as well as from the slavery of man. Nor should a true Musalmān be hypocrite.[30] The socio-political order of Islām is keenly alive to the moral development and material well-being of the individual and the general welfare of the community. The ideal of the Muslim *Millat* is the preservation and propagation of the principles of the Unity of the Divine Being and the Finality of the Prophet. The characteristic virtue of the *Millat* is attained by adopting the traditions and the way of life as practised by the Prophet. The Muslim temperament should be all-affection. While serving Allah, a *Momin* holds the Prophet dearer than his own parants and children.[31] He is further a well-wisher of another Muslim.

The individual man as a believer has been styled in the Qur'ān as the most excellent creature[32] and the ruler of the universe as the Khalīfah of Allāh.[33] As against the believers, it is to be ascertained

as to who is an un-believer. According to the injunctions of the Qur'ān," those who disbelieve in Allāh and His Apostles" or "believe in some and disbelieve in others,"[34] those "who turn away from Allāh's way and disbelieve in the hereafter"[35] and those to whom the life in this world seems fair,[36] are unbelievers. The Jews, the Christians and the Sabians (semi-Christian sect of Babylonia) who "believe in Allāh and the last day and do good"[37] are non-Muslims according to the provisions of the Qur'ān. The Musalmāns are commanded "not to take the Jews and the Christians for friends, they are friends of each other".[38]

In order to understand the position of the non-Muslims in the political organization of *Khilāfat*, a reference is to be made to the Medina Charter, the first written constitution of the Islāmic political system and the first written constitution of the world containing the rights of non-Muslims. It was at Medina that the Prophet was able to put into practice his main principle of teaching that Islām was the most dominant factor in the individual and collective life of the Musalmān and that it alone ordered the loyalties of the believer. Arabia before the advent of Islām, was torn between rival tribes, each at war with the other and known for their separate *'aṣabīyat* (group feeling based on kinship or blood-relationship). Islām, for the first time, divided the world into the community of believers (*Ummat*) and the group of non-believers. In the Muslim community itself, the Medinā Charter defined the positions and respective rights and duties of the believers and non-Muslims.

The Musalmāns, in the Islāmic political system, formed an *Ummat* or community of their own. They alone were responsible for the establishment of *Khilāfat* on the basis of *Sharī'at*. The *Khalīfah* and each of the members of the community were equal in the sight of the *Sharī'at*, and equally bound by it. They were individually and collectively responsible for the maintenance and survival of *Khilāfat* each paid *Zakāt* and contributed benevolently to the organization in times of need and emergency and waged war in the way of Allāh with their lives and properties. Heavy responsibilities therefore devolved on the shoulders of the believers in the *Khilāfat*. Members of the community were a real brotherhood; each was forbidden to

conspire or rebel against the other; none could slay the other nor sought the help of an unbeliever against a believer. Peace was also collective on the part of the Islāmic community and there could be no separate peace by any individual believer in war.

As compared to the believer, the non-believers in the Khilāfat had only to pay *Jizya* and *Kharāj* taxes for the sake of their personal protection, the protection of their family and dwellings and safety ot their property. In addition, they enjoyed the freedom of worship, protection of their places of worship and the upkeep of their customs and traditions, in accordance with the provisions of Islām and various covenants, guarantees and treaties[39] known to Islāmic history. If ever the Muslim government found itself unable to protect the non-Muslim subjects or took military and other essential duties from them, they were exempted from the payment of the taxes.

The political edifice in Islām depends for its existence on the three-fold foundation-*Jamā'at*, *Imārat* and *Iṭā'at*. The Prophet of Islām thus laid a great stress on the coexistence and inter-dependence of the three basic elements of the Islāmic organization-authority, group and obedience.

Millat represented the organization of *Jamā'at* in Islām. It was on account of this concept of *Millat* that the Western notion of nationalism was considered foreign to the Islāmic polity.[40] In practice, however, the modern world witnessed the spread of nationalism in the Muslim lands. Different theories were, therefore, advanced to justify this situation. In order to reconcile nationalism with Islām, the theories of *Islāmī Qaumiat*[41] and religious nationalism were propounded but were rejected by the devotees[42] of the Islāmic *Millat*. The problem today remains how best the Muslim nations can achieve the ideal of the Islāmic *Millat* so as to effect the unity of the Muslim world and transform it into a well-knit Muslim community. In order to solve the problem, a knowledge of the western notions of nationalism and ingredients of the Islāmic *Millat* is absolutely necessary.

The history of the nineteenth century Europe represented an age of pan-nationalism. Nationalism, however, remained no longer

peculiar to the West, but soon affected the whole world, all peoples and all civilizations. Nationalism enveloped the entire globe: to the Muslim world it apparently brought fruits of liberation and blessings of self-government. Nationalism has been defined by Carlton Hayes as a "fusion of patriotism with a consciousness of nationality".[43] Nationality was described by Gilchrist as "a spiritual sentiment or principle arising among a number of people usually of the same race, resident on the same territory, having a common language, the same religion, similar history and tradition, common interests, with common political association and common ideals of political unity."[44]

Islām, on the other hand, believes in the basic unity of mankind and does not favour the idea of the division of humanity into nations. As for the Muṣalmāns, Islām aims at their organization into a compact union of material and moral well-being. The Islāmic *Millat*, therefore, is composed of individual Musalmāns into a group set apart from the rest of humanity and charged with the duty of converting the rest of mankind to this faith so as to realize the ideal of a single community.[45] Consequently, it is only faith that can divide humanity into two classes of believers and non-believers till the the time the unity of the whole world is realized on the basis of this faith. The Islāmic *Millat* is based on the fundamental principles of the unity of the Divine being, the finality of Prophethood and the brotherhood of Man. The principle of *Tawḥīd* consists in a demand of loyalty to Allāh, Who is the ultimate spiritual basis of all life and Guardian and Protector of all. The Unity of God is manifested in the Unity of Divine creation. One God has its parallel in one humanity. From the Unity of the Divine being, there springs the doctrine of the unity of the human race. All individuals should belong to the Brotherhood of Man and are to be treated free and equal. For the believers, members of the Islāmic *Millat*, the doctrine of *Tawḥīd* embodies a principle of action to further human advancement. The Qur'ānic principle "Those who believe and do good" means that no belief is complete without its being carried into practice by the performance of duties to Allāh.

The institution of Prophethood unifies the *Millat* and com-

pletes its formation under an effective system of law and order. The extraordinary personality of the Prophet of Islām provides a connecting link between the various loyalties characteristic of the fundamental polity of Islām. It is on account of this concentration of loyalties in the person of the Prophet that the Musalmāns are transformed into a well-defined unified *Millat*. The Islāmic *Millat* is composed of the individual Musalmāns, who are a source of strength to the *Millat* and the *Millat* exalts their position. The Muslim community has been styled in the Qur'ān as the last *Ummat* to act as the *Khalīfah* of Allāh on earth. Referring to the Muslim *Millat*, the Qur'ān says, "You are the best *Ummat* that has been raised up for mankind. You enjoin right conduct and forbid wrong"[46]. The Prophet said, "Among the *Ummats*, my *Ummat* is known for its good."[47] "We have made you an exalted *Ummat* that you may be the bearers of witness to the people and that the Apostle may be bearer of witness to you".[48]

It goes without saying that in the formation of the *Millat*, Islām makes no distinction on account of birth or lineage, colour or country, language or tradition, but teaches a practical brotherhood unparalleled in the history of mankind. The Islāmic concept of political unity is not, therefore, based on any racial, geographical and linguistic considerations. "And surely this your *Ummat* is one *Ummat*"[49] says the Qur'ān. The Islāmic *Millat* is consequently characterized by spiritual values and inner consciousness derived from the complete code of the revealed faith of Islām. Allāh has promised success to the believing Musalmāns. The Qur'ān says," Successful indeed are the believers, who are humble in their prayers, and who keep aloof from what is vain and who act aiming at purification".[50] The righteous, therefore, shall inherit the land. The Islāmic *Millat*, comprising the righteous Musalmāns, is Allāh's successor on the earth. "He it is who made you successor in the land"[51] says the Qur'ān. Allāh promised in His Book, "My righteous servants shall inherit it (the land)".[52] The duty of the Islāmic *Millat* is to enjoin right and to forbid wrong as defined by the *Dīn* of Islām.

Turning to the theory and practice of Western nationalism, it is proclaimed by some of the Western writers that nationalism

constitutes a danger to civil liberty and peace, a grave threat to neighbours, a source of spiritual decay to its own followers, a killer of the basic unity of mankind, a partner of dictatorship and authoritarianism and a bloody religion. It is, therefore, difficult to understand how Western nationalism effecting the division of mankind into nations, should be able to reunite humanity into a world community. It was through the spread of nationalism in Muslim lands that the Muslim world lost it vitality and inner unity. With the abolition of *Khilāfat*, the semblance of the unity of the Islāmic *Millat* also disappeared. Through nationalism, however, the parts of the Muslim world regained their freedom, while losing the whole which could not survive as a unit. The problem of the unification of the Muslim world still engaged the attention of Muslim thinkers and reformers. Jamāl-ud-dīn Afghānī though opposed to Western penetration into Muslim lands, was equally emphatic on the internal reforms of Muslim society. Ibn Taymīya, Al-Mujaddid-Alf-Thānī and Shāh Walīullah advocated the promulgation of the *Sharī'at* to regain the unity of the Islāmic *Millat*. Following Jamāl-uddin Afghānī, Iqbāl proposed a more realistic programme by appealing to the Muslim states to focus their attention on their internal reforms to become strong and then to form a living family of republics.[53]

Quāid-i-Ā'ẓam Muḥammad 'Alī Jinnāh was fully conversant with the terminology of *Millat* and his theory of Muslim nationalism in fact aimed at the inculcation of the spirit of Islāmic *Millat*. Speaking on the Bengal affairs, the Quāid-i-Ā'ẓam said on April 24, 1943 "It is now the authority of *Millat* that you have to bow to".[54]

The Western concept of state presupposes the existence of supreme political power or sovereignty. The question arises—what is the nature, delegation and exercise of authority in the political organization in Islām?

The theory of state sovereignty, as related before, developed in the West in very special circumstances. With the fall of the Empire and the abolition of the feudal system, there sprang up in the sixteenth century-Europe, monarchies which claimed sovereignty both internal and external. The concept of state sovereignty is, therefore, Western in origin and has a definite meaning and connotation,

which cannot be varied in their attempted application to other systems of political organization in the East, particularly Islāmic.

The Western concept of sovereignty represented various phases in its development, which may be described as human in character, territorial or national in its basis, socio-political in phenomenon, contractual in origin, partly divine and metaphysical, legal in interpretation, monistic or absolutist in notion and pluralistic in reaction. Definite attributes were assigned to it but the main difficulty was found in its location. The theory of state sovereignty was further considered incompatible with International Law and International Organization. Having failed to discover a solution, the cry of the political philosophers in the West has been to "surrender the concept of sovereignty altogether". "Expunge the notion of sovereignty from political theory." The recent attack on state sovereignty is giving impetus to the Marxist contention of the "withering of the state" and the evolution of a "classless society".

While the political scientists in the West are discarding the very idea of sovereignty, Muslim scholars in the East have been vainly trying to ascribe sovereignty to God as if a human limited power can be assigned to the possessor of unlimited power. This tendency represents a lack of devotion to the political ideal of Islām.

According to the social contract writers, sovereignty and sovereign are the products of social contract or compact. They, however, contended that a contract with God was impossible.[55] Hence, the "*Sovereignty* of God" was not established through the contract. These theorists did not believe in the Islāmic principle of the Divine delegation of authority, selection of the ruler by the few competent persons and the observance of the *Sharī'at* as a condition of governance.

The belief in the paramountcy of God as revealed in the philosophy of the social contract writers and others is also not tenable in Islām as it amounts to *Shirk*. The theory of paramountcy of God associates the power of the human sovereign with the power of God. The human sovereign cannot possess the attributes of God in whole or in part. The Islāmic belief in the Omnipotence of Allāh comes in conflict with the idea of the paramountcy of God.

The Islāmic principle of the supremacy of the *Sharī'at* should not be confused with the Western concept of *legal sovereign*. No. doubt, the *Sharī'at* lies at the basis of whole organization in Islām. But *Sharī'at* is the product of the Divine Revelation, the Will of the Almighty Allāh. *Sharī'at* representing the spirit of law or the fundamental principles of law in Islām, cannot be termed "sovereign". Law emanates from authority and is not itself "Sovereign".

Similarly, the concept of the *popular Sovereign* is also not tenable in Islām. Māwardī did think of the election of the *Khalīfah* by the entire community of bonafide Muslims but concluded by saying that the *Khalīfah* could be selected by a few competent believers or even by one voice. The Muslim brotherhood enjoys a delegated authority, which, by the very nature of it, cannot be exercised by the general mass of the community, but by the few competent and qualified individuals.

The Western concept of sovereignty is particularly related to a modern *national and territorial state*. The theory of nationalism is repugnant to the concept of Islāmic *Millat* and the organization of the modern national state is opposed to the basic structure and function of *Khilāfat*.

The Qur'ānic concept of *Mālik-ul-Mulk* occupies an important place in the political theory of Islām. As shown earlier, "Allāh is the Lord of the Dominion" "Lord of men", "the King of men" and "the God of men".[56] The concept of *Mulk* has been propounded by some of the Muslim political thinkers, particularly Ibn-Khaldūn,[57] who has explained this term in a secular sense. According to him, *Mulk* or royal authority is to be distinguished from *Khilāfat*. *Mulk* is of two types—*Mulk Siyāsī* and *Mulk-Ṭaba'ī*. The former is the rule of rational laws like what we find in the democracy of today and the latter is an unbridled regime of a single human ruler. In both the cases, the institution of kingship is associated with the organization of government. Thus, the Islāmic political organization neither favours Western democracy nor upholds dictatorship.

Islām lays the greatest stress on the Unity of the Divine Being with which the Holy Qur'ān opens and ends. It is this basic principle of the polity of Islām that forbids the imposition of godhood of

man over man and annuls the usurpation of sovereign power by parliament, people or the ruler. "The Lord of the Heaven and earth, and what is in between them, is the *Master* of all".[58] The chief attributes of the Divine Being have been defined as Omnipotence, Knowledge,Creativeness and Permanence. Allāh is the real owner of the *Mulk*. "He bestows power on whom He likes[59] and deprives others likewise." Man has been created His Vicegerent and it is his duty,in his corporate capacity, to organize the affairs of this world. *Khilāfat*, the political organization of the *Millat*, is a human institution but Divinely ordained. Thus, the authority vested in the *Khalīfah* as the Head of the Muslim community is not absolute but delegated as a Divine trust. The *Khalīfah* is the trustee of the *Millat* and is charged with a great responsibility—the enforcement of the *Sharī'at*—the path of virtue or the Divine code of ethical and social laws. From the concept of the *Mālik-ul-Mulk* emanates the principle of *Niābat* or *Khilāfat* which in its turn amounts to *Amānat* (Trust). The trust carries with itself a great responsibility-eradication of evil and the perpetuation of virtue in accordance with the specific ethical ideal as laid down in the Qur'ān and revealed to the Prophet.

Next to the theory of *Mulk*, comes the institution of *Khilāfat*. The spirit of Islām thrived in the practical unity of Muslim brotherhood, which manifested itself in the organization of the Muslim *Millat* and the development of *Khilāfat*. The entire organization of Islām rested on the promulgation of the *Sharī'at*. However, with the abolition of *Khilāfat* and its replacement by monarchies and republics caused by the emergence of Muslim nations, even the semblance of political unity was lost in the world of Islām. The form of political organization that *Khilāfat* can take today is yet considered as the prime need of the time. There are divergent views regarding the institution of *Khilāfat*. While the Muslim philosophers have always regarded it as the Divine trust of mankind, the non-Muslim writers, particularly Arnold styled it as dictatorship. Of necessity, the two institutions of *Khilāfat* and dictatorship are to be carefully compared in order to arrive at a satisfactory conclusion.

The only concept of community that Islām knows of is that of the *Millat*, the form of political organization which developed in

the fold of Islām is *Khilāfat* and the spirit of laws that animated the political structure is manifested by the enforcement of the *Sharī'at*. The unity of Islām and obedience to its supreme law demanded the existence of a universal institution and universal ruler in the whole of the Muslim world. The Prophet as the first ruler of the Muslim community was an Apostle of Allāh and a benefactor of humanity. "And Muḥammad is not but an Apostle and many Apostles have passed away before him,"[60] said the Qur'ān. The Prophet was commanded by Allāh to say, "I am but a human being like you; it is revealed to me that your god is one god. So whoever hopes to meet his God, he shall do righteous deeds, and not join any one in the service of his Lord."[61] The Prophet brought a message not to any one people but to all from Allāh. "O people, the Apostle has come to you with the truth from your Lord."[62] "And we sent not messengers but as announcers of good news and givers of warning".[63] The mankind was directed to "follow the Apostle."[64]

The Prophet of Islām said "there will be no prophet after me, but *Khalīfahs* and many in number. You must offer *bai't* to one after the other and fulfil their due (right to obedience")[65] *Khilāfat* has, therefore, been recognized as the deputyship of the messenger of the *Sharī'at* to protect the *Dīn* and to organize the affairs of the world. The terms of *Khalīfah*, *Imām* and *Khilāfat* have been borrowed from the Qur'ān. "O Dā'ūd! We have appointed you our *Khalīfah* on the earth"[66] About Ādam, Allāh said, "verily I am about to place on earth a *Khalīfah*"[67] Man has also been referred to in the Qur'ān as the *Khalīfah* of Allāh. Arnold is, therefore, wrong to think that the Qur'ān has no reference to one single individual as *Khalīfah*. The first three *Khalīfahs* respectively, styled them as the *Khalīfah* of the Apostle of Allāh, *Khalīfah* of the *Khalīfah* of the Apostle of Allāh and *Amīrul Mominīn*. The traditions clearly state that the *Khalīfah* must be a member of the tribe of the Quraish. "*Khilāfat* shall only remain among the Quraish. Whoever will rise against them will be subdued till the time they retain the faith"[68]. Those who repeat this tradition, conveniently forget or omit the mention of the qualifying clauses attached to the several sayings of the Prophet such as *Khilāfat* shall remain in the house of the Quraish "till the time the Quraish retain the faith";[69] "till the time there

are even two pious men among them";[70] and "the righteous among them (Quraish) ruler over the righteous among them".[71] Thus, the right of the Quraish to *Khilāfat* is not absolute, but depended on their superior piety and virtue. The Qur'ānic injunction— "the best among you is one, who is most virtuous" repeated by the Prophet in his Last sermon as well as his own saying "Listen and submit even to an Abyssinian slave, if he rules in accordance with the Book of Allāh",[72] lead to the conclusion that the right to *Khilāfat* goes to the virtuous. Also in accordance with the process of abrogation applied to the traditions, the Prophet's last *Khuṭbah* annuls the earlier quoted Quraish theory. The Prophet said, "some of my sayings annul the other sayings."[73]

As regards the system of selection followed in the cases of the first four *Khalīfahs*, the whole *Millat* did not take part but only the elders did. Secondly, the method embodied the principle of nomination and acceptance (*bai't*). Certain principles are, however, deduced from a study of the above provisions—(1) the office of *Khilāfat* remained elective or to be more appropriate, selective, as the matter was left to the decision of the general body of the Muslims (2) only the elders possessing piety, experience and knowledge took part, (3) the reigning *Khalīfah* nominated his successor or appointed a council to nominate his successor (4) there was no question of hereditary succession (5) nor of blood relationship (6) the whole matter was decided on grounds of seniority in age, personal influence, good conduct and services to the community and (7) there was a formal *bai't*—acceptance of those present and by the general public. It was in defence of these recognized principles and in particular against the illegal method of nominating a relation for the high office of Khilāfat that Ḥaḍrat Imām Ḥusain sacrificed his life in Kerbala. Both Māwardī and Ibn Khaldūn have also enunciated the requisite qualifications of the selectors and the candidates for the office of the *Khilāfat*. In case, the ruler commits sinning and immorality, or is tyrant or violates the provisions of *Sharī'at*, he is to be deposed and allegiance withdrawn from him, according to the saying of the Prophet.

Turning to the question whether *Khilāfat* is despotism, it may

be concluded that the political organization of Islām is the result of a process of selection on the part of the *Millat* and that authority is not created by force. The Muslim ruler, unlike a despot, is subject to the Divine law and has, therefore, no arbitrary power. The *Khalīfah* is selected by the faithful and cannot, like a despot, thrust himself on the community by the use of sheer force. The *Khalīfah* has to conform to the *Sharī'at* and his own words can never become law. If the *Khalīfah* violates the *Sharī'at* or acts, as a despot, he is to be deposed. Thus, there is no dictatorship or despotism in Islam—not the rule of one person or one will, but the rule of *Sharī'at*, manifesting the Will of Allāh. Under such provisions, neither is the personal liberty of the individual lost nor is the political power concentrated into the hands of a single individual.

The institution of *Khilāfat* has as its distinctive feature, a government by *Shūrā* or consultation, and is consequently confused with democracy. Muslim writers, in their attempt to reconcile Islām with democracy have advocated at least two distinct theories —Islāmic democracy and spiritual democracy.

Surveying the concept of democracy through the ages, it is revealed that it has six fold characteristics:—

1. Equality of man.[74]
2. A government of all or the many[75] or the majority.[76]
3. Sovereignty resides in the people.[77]
4. Consent of the majority or the general will of the people is the basis of the state.[78]
5. Responsible government.[79]
6. The end of the state activity is the welfare of the individual.

In short, democracy stands for equality, liberty and responsibility, The late James Bryce defined modern democracy as "a government in which the will of the majority of qualified citizens rules, taking the qualified citizens to constitute the great bulk of the inhabitants, say, roughly, at least three fourths, so that the physical force of the citzens coincides (roughly speaking) with their voting power."[80] As against the modern concept of democracy, the government of *Shūrā* in Islām has its distinctive ethical ideals of social equality,

virtuous conduct and responsibility in governance. Islāmic polity is marked by its ethical ideal—"Enjoin good and forbid wrong" and Islāmic life is to be lived according to the *Sharī'at* of Islām and the institutions established in pursuance thereof. This is how social order was created and political organization came into being in the fold of Islām.

From the principle of the unity of the Divine Being flows the principle of the unity of Mankind. Humanity is or "ought to be a single community"[81] and the Muslim *Millat* is to be organized as a single fraternal unit to bring about the unity of mankind. Modern democrat has an abiding faith in the individual and his capabilities but has, in recent times, been severely criticised for ignoring the characteristic imperfections of ordinary man. It is asserted that government by popular majorities is a government by the mediocre majorities or by the average men. Islām, on the other hand, while affording equality in social status and facility in equal opportunities for all, believes in the progressive realization of a virtuous conduct on the part of the individual believer. The Muslim *Millat* would not, consist of average or mediocre individuals but of believers possessing varying degrees of *Taqwā* or virtue. An opprotunity will be available to every member of the community to climb up from the lowest ladder to the highest, in order to become the best self. The Islāmic basis of preference is *Taqwā* according to the Qur'ānic injunction—"the best among you is one who is most virtuous". So the right to participate in the government will also be limited to such individuals as have reached a level of moral advancement which can enable them to perform their duties in the political life of the community.

Liberty constitutes one of the main ideals of democracy but modern governments have been accused of being most unfriendly to liberty and individuality. It should, however, be remembered that liberty does not exist in isolation but consists in the enjoyment of rights and performance of duties in a given society. Modern democracy gives the right of vote to every individual on the principle of one man, one vote and does not pause to consider whether the voter possesses the capacity to exercise that right. In Islām, the

Sharī'at determines the rights and duties of the individual and thus secures his liberty. In Islām, the right to vote is not given to every individual, but definite qualifications have been determined by the Muslim philosophers for the candidates as well as the selectors. The requirement of a virtuous conduct forms the basis for enjoyment of political rights in the Muslim community. That is why party system, a characteristic feature of modern democracy is discouraged in Islām. The question of permanent majority and permanent minority could not arise under a political system, wherein problems of government are to be deliberated upon in view of the provisions of the *Sharī'at*.

A distinctive feature of government in Islām is that it is based on *Mashwarat* (consultation). The ruler is required to conduct the affairs of government in accordance with the injunctions of the Qur'ān—"and consult with them upon the conduct of affairs, and when thou art resolved, then put thy trust in Allāh."[82] The principle of consultation and deliberation is no doubt found in democracy, but it is not the same as has been described above. Sovereign parliaments in democracy can make, change or modify any law in whatever manner they like. On the other hand, the basis of consultation and decision in the *Majlis shūrā* will always rest on the ethical standards of "good" as enunciated by the law of Islām. And so the principle of responsibility in government would mean responsibility to the *Sharī'at*, and not to the majority party or the people.

Ḥaḍrat Abū Bakr enunciated the principle of responsibility in government in the following terms—"If I do good, then cooperate with me, but if I am inclined towards evil, then set me right. Truth is a trust and falsehood is a violation thereof. Allāh willing, the weakest among you is strong before me till I secure him his right and Allāh willing, the strongest among you is weak before me till I exact from him rights of others."[83]

Islām was the first comprehensive code of life, which enunciated a system of responsible government—a government in which both the ruler and the ruled are responsible before the Sharī'at: none can deviate from the "right path". Under the paramountcy of

Divine law, there developed a consultative procedure, whereby the ruler is to be aided by the few competent counsellors in determining the policy of government and in the execution of administrative responsibilities. The *Khalīfah* or the ruler in Islām is a representative of the Apostle of God on earth and *Khilāfat* as such means a representative government. Under such a system of government, political authority can only be exercised as a trust: the ruler is the trustee of the subjects and responsible to Allāh for their welfare. Islām is, thus, a representative government, a rule of law, a regime of trust and a governance by consultation—a remedy for the ills of democracy.

Political society postulates the concepts of authority, obedience and liberty. Political obligation entails the two-fold problem—the bases on which political authority rests and the grounds on which obedience can be demanded or justified. The whole problem centres round the nature of state authority and the limit of human obedience, on the one hand, and the demands of obedience and their consequent effect on the extent of the individual's freedom of action, on the other. The Contractualists, the Traditionalists and the Divine Right theorists have, respectively, justified political obligation on the bases of consent, custom and religion. In this context, the Islāmic theory of obedience (*Iṭā'at*) has been examined with particular reference to the erroneous views expressed by some of the European and Oriental scholars. Arnold, in his work on the "Caliphate" stated that there is an "uncompromising doctrine of civic obedience in the Traditions."[84] On a careful study, it will be found that this position is not tenable in Islām.

In Islām, *Khilāfat* has been regarded as an essential institution for the preservation of the faith and the organization of the worldly affairs. *Khilāfat* as a political organization of Islām is bound by the provisions of the *Sharī'at*, the supreme regulator of conduct both for the ruler and the ruled. Under such a structure of government, *Iṭā'at* forms a pillar of political organization. The Prophet of Islām laid a great emphasis on *Jamā'at*, *Imārat* and *Iṭā'at* as the three-pillar foundation of the political edifice of Islām.

The Islāmic concept of *Iṭā'at* is wider than the Western concept of political obligation. *Iṭā'at* is not only used in a political sense,

that is, it is not wholly concerned with *Jamā'at* and the *Ul-ul-Amr*, but is vitally related to Allāh, the *Mālik-ul-Mulk* and the Prophet of Islām, an exemplar to follow. In order to ensure harmony in social structure and political organization and for that to remove any conflict of loyalties, Islām has emphasized a right ordering of *Iṭā'at*. It is, therefore, provided that the first and last loyalty is to Allāh, the second is to the Prophet and the third is to the ruler. And in case of difference, the individual and the ruler are both directed to return to Allāh and His Apostle—the basic principles of the faith.

Unlike the Western concept of obedience, *Iṭā'at* in Islām has both unconditional and conditional aspects. *Iṭā'at* to Allāh is absolute and unconditional, while *Iṭā'at* to the *Amīr* is conditional. *Iṭā'at* to Allāh consists in the realization of duties on the part of the individual Musalmān and their performance in accordance with the dictate of the *Sharī'at*. Although *Iṭā'at* to the Prophet and the *Amīr* has been regarded as equivalent to *Iṭā'at* to Allāh, *Iṭā'at* to the *Amīr* is conditioned on the fulfilment of the explicit provisions of the Divine law or obedience to the *Sharī'at* on the part of the ruler. The *Amīr* and the individual owe individual responsibility towards Allāh and His Apostle and are individually and separately accountable for their deeds to Allāh.

The unbelievers cannot be accepted as rulers or guardians of the Musalmāns and as such the question of *Iṭā'at* to them does not arise. The principle of *Iṭā'at* in Islām also differs from the Western concept of obedience based on consent, custom and religion. The first principle of *Iṭā'at* is that there should be no revolt without a legitimate or lawful cause. Mere sedition and rebellion against the authority is forbidden by Islām. The second principle is that there is *Iṭā'at-fil-Mā'rūf*,[85] which means that obedience is obligatory only in matters divinely enjoined, and in consonance with the provisions of the *Sharī'at*. Consequently, the Muslim people are required to pay allegiance to the orders of the *Amīr*, so long as they do not deviate from the Divine path. The third principle of *Iṭā'at* is that the violation of the *Sharī'at* on the part of the *Amīr*, absolves the individual members and their community from allegiance. It follows from the above that *Iṭā'at* to Allāh and His Apostle and

lawful obedience to the *Amīr*, has Divine rewards, while unlawful disobedience follows Divine punishment.

It follows from the above that the individual Musalmān is not required to obey the *Amīr* under all circumstances. He enjoys freedom of action as well. Islām is known for its regime of *Sharī'at* and forbids an arbitrary or despotic rule. Much time and energy have been wasted in the West in an effort to resolve the problem of state authority and individual liberty. It has already been emphasized that the political organization of Islām is not marked by a conflict between authority and liberty. Political authority and individual liberty are both conditioned by the law of *Sharī'at*, which determines the limits (*ḥudūd*) of the exercise of authority and at the same time specifies the extent to which the individual freedom can be enjoyed.

It is generally believed in the West that liberty is a condition of law,[86] and itself a negative and not a positive term. In this sense, liberty consists in acting according to law and in enjoying freedom, not likely to interfere with the like freedom of others. The question, however, arises, what is law?—whether it is law Divinely ordained or man-made. A man of faith, however, does not demand absolute liberty as he is already bound by the provisions of his creed, which guarantees to him the enjoyment of basic rights and the procurement of a life of contentment and satisfaction. The goal of life before the Musalmān is to seek the pleasure of Allāh in accordance with His Will, manifested in the *Sharī'at* and it is through the operation of the limits (*ḥudūd*) of the Divine Law that his freedom is ensured. The Divine Law prescribes a four fold relationship between Allāh and the believer, between the believer and other individuals, both believers and unbelievers, between the believer and the group and between the believer and the universe. *Sharī'at* is a Divine code for the regulation of human behaviour and conduct and being a Divine sanction proves more effective in the enforcement of *ḥudūd* and in the enjoyment of liberty, without denying the like liberty to others. *Sharī'at*, in short, constitutes an essential condition of human freedom in the framework of the Islāmic society.

The Western political thought gives us an impression that apparently obedience and liberty are two contradictory terms.

This apparent contradiction is bound to vanish, if we realize that in Islām, a two fold system of obligation exists, one—unconditional, in relation to Allāh and His Apostle and the second—conditional, in respect of the *Amīr*. In obedience to Allāh, His Apostle and the *Amīr* according to the provisions of the *Sharī'at*, lies the liberty of the individual believer. Those who obey the *Sharī'at* perform the enjoined duties and yet have freedom or liberty. In Islām, therefore, obedience and liberty are not even visibly or apparently conflicting. But rights and duties differ according to individual capacity or capability: basic and essential rights being the same for all, different duties can be assigned to different people according to their attainments, position and calling in society. Greater emphasis has accordingly been laid on duties towards Allāh and fellow human beings, in Islām. However, it is in the context of *Iṭā'at* that the varied rights and duties adjust themselves in the body politic of Islām and liberty becomes an accomplished fact of life.

Sharī'at and law are not inclusive terms, nor are they interchangeable. Law has been commonly understood as the product of human reason and represents a process of human effort by way of legislation or dictation. *Sharī'at*, on the other hand, has a Divine origin and is the product of Divine Revelation. *Sharī'at*, unlike the man-made law, is not merely concerned with the conduct of human beings in relation to one another and to the organized society. It goes beyond this relationship, and covers the relationship of human being with nature and the universe and above all with the Divine Being. The four fold relations so included in the *Sharī'at* elevate it to a position where it appears to be *wider and more comprehensive than law*.

It is fervently believed that *Sharī'at lies at the basis of whole organization in Islām* and has to be adopted as a directive and operative principle in the social, religious, moral, economic, political and cultural development of the Islāmic community. The spirit of the *Sharī'at*, thus, pervades the entire organization of Islām. Unlike law, *Sharī'at* is the command of Allāh, and since the believer seeks the pleasure of Allāh by obeying His commandments, no justification, whether moral or legal, is required to obey the *Sharī'at*. In Islām,

the legal and moral considerations are not demarcated as both have their origin in the Divine Revelation. *Khilāfat* representing a political organization to preserve the faith and to order the affairs of the world [87] owes its very existence to the sanction of the *Sharī'at*. The purpose of *Khilāfat* is the enforcement of the *Sharī'at*, on which also depends the maintenance and endurance of *Khilāfat*. In short, *the origin, existence, development and maintenance of Khilāfat rest on the recognition and promulgation of Sharī'at.*

A question naturally arises—what is the origin of *Sharī'at?* The origin of *Sharī'at* can be traced back to the Qur'ān. The Qur'ān is a Divine Revelation and guidance to mankind. It has been related in the Qur'ān that Allāh sent His Apostles with *Sharī'at* and *Minhāj*[88] to reform the corrupt conditions of the world. *Sharī'at manifested the Will and Command of Allāh as embodied in the Qur'ān and as practised by the Prophet of Islām.*

The Muslim community in course of time developed its own jurisprudence, which is technically known as *Fiqh.* Believing in the commandments of Allāh as embodied in the Qur'ān and the practice followed by the Prophet, the Muslim jurists were able to found, on the basis of *Ijtihād* and *Ijmā'*, a fresh system of principles to govern the life and activities of the Muslims in their individual and corporate existence in the Muslim community. No doubt, the principle of the supremacy of the *Sharī'at* was maintained but Islām also permitted a free play of human reason to codify the *Sharī'at* in keeping with the spirit and requirements of the time. *Principles of rigidity and adaptability went hand in hand.* And the principles of implied legislative power was recognized. *Fiqh* was, thus, the *Sharī'at so codified.*

The Qur'ān is the source of Sharī'at, Sharī'at is the source of Fiqh and Fiqh is the manifestation and codification of the Sharī'at. While *Sharī'at* represents the Divinely created commands, *Fiqh* is its human codification.

For the organic growth and development of the Islāmic community, the Qur'ān advocated the principle of Shūrā (consultation) "And consult with them upon the conduct of affairs, and when thou art resolved, then put thy trust in Allāh,"[89] was the Qur'ānic

injunction. Apparently, the process of *Shūrā* was to be employed in the conduct of governmental affairs. The term "*Amr*" has a reference to governmental activity and therefore it was commanded in the Qur'ān to obey Allāh, the Apostle and the *Ul-ul-Amr Min Kum* (those in authority from among you).[90] But Islām represents a noble ideal of a harmonious whole, in which the governmental affairs, though quite pre-eminent, cannot be isolated from the social, economic and moral affairs. And *Shūrā* was, consequently, to be applied in all affairs: the government too was required to enforce *amrfil mā'rūf*[91] as the believer was himself bound to observe it.

For the first time, Islām introduced a government by shūrā. Even Khilāfat was not considered to be genuine without mashwarat or shūrā.[92] *The process of shūrā naturally originated and included various methods of deliberation and interpretation. These methods came to be known as Ijtihād (individual interpretation) and Ijmā' (consensus of opinion). From Shūrā developed the institution of Ijtihād.* And *Ijtihād* was restored to in all spheres from governmental down right to social and moral—from the selection of the *Khālīfah*, the waging of *Jihād*, the decision of governmental affairs—to the economic and moral well-being of the community and the individual believer. *Ijtihād for its validity, was, however, subjected to Ijmā'.*

Working on the principle of Ijtihād, which developed in the process of Shūrā, four main schools of Muslim jurisprudence came into being. Accordingly, the *Ijtihād*, resorted to by the four famous doctors was based on four sources: (1) The Qur'ān, (2) The *Sunna*, (3) *Qiyās* and (4) *Ijmā'* (consensus of opinion). *Rāi* (individual opinion), however, did not assume the position of a fifth source.

In course of time, it was vehemently claimed that the door of *Ijtihād* was closed and the only alternative left to the Muslim community was *taqlīd*, literally meaning to follow or to obey or to abide. This is a position which is not considered tenable in Islām, nor conducive to the healthy development and growth of the Muslim society. It is not understandable why a people belonging to a definite era in Islāmic history had the privilege of adopting *Ijtihād* to codify the *Sharī'at* in the form of *Fiqh*, and the later generations were deprived of that right. It is however, a fact that during later

times, scholars of the calibre of Imāms like Mālik, Abū Ḥanīfah and Shafi'ī, well-known for their knowledge of the *Dīn*, piety and righteousness, capacity of reasoning and ability of interpretation were not to be found. And yet efforts were made from time to time to compile *Fatāwā*, a brilliant example of which is found in the *Fatāwā-i-'Ālamgīrī*, as an aid to bridge the gap between the theory and practice of Muslim jurisprudence.

A fresh codification of Sharī'at is still the greatest need of the time. Following the books on Fiqh and Fatāwā, and resorting to Ijtihād and Ijmā' as tools of Shūrā, the whole system of Muslim jurisprudence is to be reoriented to cover up centuries' neglect and apathy in this important field. Ijtihād can be both individual and institutional and in the latter case it can take the form of a commission. Muslim majlis or parliament can very well represent the Ijmā'ul-Ummat and the institution of Quḍā can act as the final arbiter.

Islām represents a noble ideal which combines within itself a harmonious blending of intention and deed. Faith and organization constitute integral parts of an indivisible whole. *Dīn* as faith requires for its fulfilment the organization of *Khilāfat*. *Jihād* is the vital instrument by which the political organization in Islām defends and preserves the faith.

No other Muslim institution in Islām has been so misrepresented and misinterpreted in the West as *Jihād*, and its true significance has not been realized by the Muslim writers themselves. While the West styles all wars in Islām as offensive, Musalmāns have claimed that *Jihād* is defensive in character. As a matter of fact, the former is entirely baseless and the latter is true only as far as defence is one of the Divinely ordained conditions of waging *Jihād*. The mere consideration of the question of offence and defence has no moral foundation in Islām and is devoid of its polity. *Jihād* is waged in the way of Allāh and is, therefore, to be conducted according to His Commandments. *Jihād* in Islām is Divinely imperative; it is under defined conditions, stipulated by Him, that the waging of war becomes obligatory on the organized Muslim community. The whole moral force underlying the Divine Command, its obedience and His reward, would render itself ineffective if the yard stick of

offence or sheer defence is applied to such an important undertaking. *Jihād* presents a definite proposition—it determines the conditions or limits prescribed by Allāh, under which wars in Islām are to be waged and justified.

Emphasizing the significance of *Jihād*, the Prophet said, "Next in importance to *Imān* is *Jihād*".[93] "Of all actions, *Jihād* is the noblest".[94] "Eternal good consists in one's offering himself for *Jihād*".[95] According to the Qur'ān, "Fighting is enjoined on the believers"[96], irrespective of the fear[97] of death; it is in fulfilment of duty towards Allāh and a means of nearness to Him.[98] The significance of *Jihād* was emphasized by the Prophet in the following words. "No person who dies wishes to return to this world but the martyr who longs to return to the world so that he may again become a martyr".[99] The waging of *Jihād* ensures the glory of Islām and its abandonment a source of disgrace to the Musalmāns.

As to the meaning of the term, *Jihād* is a fight in the "way of Allāh" and a "strife of the believers with their life and property".[100] "Those who uphold the faith and fight for *Ḥaq* (Truth), fight in the way of Allāh",[101] said the Holy Prophet. *Jihād* does not therefore, necessarily constitute patriotism.

The purpose for which *Jihād* is to be waged is a real service to humanity. The latter is not possible without the former. The believers who are enjoined to fight in the way of Allāh, have been defined in the Qur'ān as "the best *Ummat*, raised up for (the benefit of) men; and they enjoin what is right and forbid what is wrong,"[102] the highest ideal. *Jihād* is the means by which this highest ideal can be realized. The Muslim *Millat* is required to achieve a real and effective political power to serve humanity by "enjoining good and forbidding wrong". Mujāhids have been described by the Prophet as "the people of Allāh and ordered to ride forth":[103] "they have garden as their reward"[104].

The function of *Jihād* is two-fold—internal security and external domination. For the security of the Muslim *Millat* it is necessary first to safeguard itself from the internal enemies. Of course, there is no question of Jihād of Muslims against Muslims. The Qur'ān emphasized the brotherhood of Musalmāns and said "the believers

are not else but brethren".[105] "Allāh loves those who fight in His way in ranks as if they were a firm and compact wall".[106] "If two parties of the believers fight", the Qur'ān orders, "make peace between them".[107] Yet, internally there are many violent adversaries like the unbelievers and hypocrites. The hypocrites, in the words of the Qur'ān "enjoin evil and forbid good". The Prophet was, therefore commanded by Allāh to strive hard against the unbelievers and the hypocrites".[108] "If they do not withdraw from you and (do not) offer you peace and restrain their hands, then seize them and kill them".[109]. The hypocrites are "not to be treated as friends" but as enemies.[110]

The believers have made a pledge with their Lord to fight in His way with their persons and property, "so they slay and are slain".[111] The believers should, therefore, have no excuse "when it is said to you, go forth in Allāh's way".[112] The Prophet ordered that "whenever you are called upon to wage *Jihād*, be ready".[113] "And prepare against them what force you can"[114] is the Qur'ānic injunction.

The fundamental principle of Islām is that life is to be respected and right to life is to be accorded to all human beings. "Whoever slays a soul unless it be for man-slaughter or for mischief in the land, it is as though he slew all men; and whoever keeps it alive, it is as though he kept alive all men".[115] Accordingly, "life can be taken as a requirement of *Ḥaq* or in pursuance of Divine Commandments".[116]

Jihād, being Divinely imperative, can be waged in accordance with the conditions prescribed by Allāh. The believers are ordered to fight against those, "who do not believe in Allāh nor in the latter day nor do they prohibit what Allāh and His Apostle have prohibited, nor follow the religion of truth."[117]

Jihād is enjoined on the believers against those who made "war upon them on account of faith and drove them forth from their homes".[118] "Those who fight you, fight against them and drive them out from whence they drove you out".[119]

Muslims remaining with the enemy are required to migrate,

this is the Divine order for those who can manage to fly; otherwise they shall be questioned—"was not Allāh's earth spacious, so that you should have migrated therein".[120] "And whosoever migrated in the way of Allāh, shall find in the earth plentiful refuge"[121] It is obligatory on the part of the believers "to fight against all rulers, "who are tyrant".[122] The believers are further commanded to fight to suppress cruelty and to support the poor and oppressed".[123]

Jihād is also made obligatory on the believers in case of external invasion according to the Divine Commandment, "O you who believe! when you meet those who disbelieve marching for war, then turn not your backs to them."[124] "*Rabat*" or defence of Muslim frontiers is a peacautionary measure preparatory to *Jihād.*

The believers are further commanded to fight in the way of Allāh to "support the other brethren in faith who seek help from them".[125]

Fighting is enjoined on the believers against those who violate the treaty with them. "And if they break their oaths after their agreement and (openly) revile your *dīn*, then fight the leaders of unbelief".[126]

The Almighty has promised help and highest rewards to those who fight in His way. The martyr attains an eternal life. "And reckon not those who are killed in Allāh's way as dead; nay they are alive (and) are provided sustenance from their Lord".[127] Perseverance and righteousness are the means of sucess in *Jihād.* As regards booty, it is provided that one fifth of it is for Allāh, His Apostle, the near of kin, the orphan, the needy and the way farer,[128] the remaining four fifth is to be distributed among the *Mujāhids.*[129]

Islām has laid a great emphasis on the kind treatment of prisoners. Captives can only be made as a result of a successful *Jihād*:[130] they are to be freed or ransomed.[131] They cannot be killed or burnt[132] and are to be properly fed.[133] They cannot be threatened to accept Islām.[134] The young captives are to be segregated, freed and married.[135]

Besides the conditions laid down by Islām for waging war, as enumerated above, provisions regarding peace and neutrality

deserve a careful mention. The believers are commanded by Allāh to show kindness to those, "who have not made war against you on account of your faith and have not driven you forth from your homes".[136]

The Prophet enjoined on the believers to convey good news to the opponents, not to create bitterness and not to put impediments in the way of peace.[137] As the Musalmāns have an upper hand in *Jihād*, they should not be slack in offering peace to the enemy,[138] according to the injunction of the Qur'ān. The believers are commanded to accept the offer of peace: "and if they incline to peace then incline to peace and trust in Allāh."[139] Even when the enemy offers peace by way of deceit, the believers are called upon "not to reject the offer."[140].

Treaties are to be observed and not violated. "This is a declaration of immunity by Allāh and His Apostle towards those of the idolators with whom you made an agreement".[141] Agreement is to be fulfilled till the end of the term.[142] "Aid is not incumbent upon the believers against those, with whom there is a treaty".[143] Islām, therefore, orders for the fulfilment of promises and contracts.

The principle of neutrality is acknowledged in Islām in two ways. Firstly, fighting is not enjoined against those who offer peace[144] and secondly, war is not permitted against those who have not made war against the believers.[145]

In an attempt to enunciate the economic organization of Islām, a number of theories have recently been advanced. Firstly, it is said that Islām represents Capitalism. Secondly, it is alleged that Islām stands for Marxism. Thirdly, it is claimed that Islām is a golden mean between Capitalism and Communism. Fourthly, it is stressed that Islām has its own distinct and separate socio-economic system, which should not be confused with any Western concept. "The adoption of Western Economic Theory", Quāid-i-*Á*'ẓam Muḥammad 'Alī Jinnah said, "will not help us in achieving our goal of creating a happy and contended people". The Holy Qur'ān and the Traditions contain a number of principles of socio-economic nature, dealing with a very comprehensive term named *Amwāl*. The rich have been referred to as Aghniyah in the Qur'ān and as *Ahl-ul-*

Māl in the traditions. In order to formulate an economic theory in Islām and to establish an economic structure based thereon, it is essential to determine these basic principles.

Of all the relations that Islām emphasizes, the relationship between man and God is of utmost importance. The Qur'ān proclaims that all that exists in the earth belongs to Him and is created by Him for the benefit of the whole humanity. And Allāh has created in the earth means of subsistence for man.[146] Sustenance is, therefore, His responsibility.[147] The Prophet of Islām prayed "Lord! grant sustenance to my *Ummat*".[148] It is, however, made incumbent upon man to strive to get the sustenance so created by the Almighty. Man is a social creature and has to live under a social environment. The Prophet said, "there is no asceticism in Islām."[149] Sustenance is to be acquired by man in cooperation with other men. For this a corporate character of human society is needed and is represented by a political organization entitled as *Khilāfat* in Islām. Earthly domination is the Divine gift to the virtuous[150] and is a sacred trust. Thus, all things created by Allāh are trusts and are to be used in the manner prescribed by Him.

While Islām is not opposed to the acquisition of wealth through legal means, the principle of limitation (*Uṣūl-i-teḥdid*) does apply to the possession of wealth. When property is thus acquired and constitutes in excess of the needs, it involves a liability—an automatic share of the indigent and needy. The excess wealth has to be spent according to the injunctions prescribed by Islām. In matters of agricultural land, the classical example of Ḥaḍrat Bilāl can be cited that Ḥaḍrat 'Umar took away from the former the excess in land, which he could not cultivate himself. All that a man possesses is a trust and carries with it a test and responsibility. "Your wife, children and wealth are mere temptations and Allāh will test you by them", says the Qur'ān. Better the material condition, severer the test and harder the punishment in case of violation. Sheer collection of wealth entails the wrath of Allāh and punishment by the fire of the Hell. There is thus neither unlimited individual ownership nor complete public ownership.

It should be remembered that the economic system is an integral

part of the whole scheme of life embodied in the term, *Dīn*, which is a complete and comprehensive code of life containing Divine guidance in all spheres of human activity. There are broad principles enunciated in the Qur'ān concerning social homogeneity, political stability, economic well-being and moral elevation.

The principle of equality in Islām is the principle of social equality, when all believers, irrespective of their wealth, calling, birth and colour are equal in the sight of Allāh and equal as members of the Muslim brotherhood. Islām discourages *Iktisāb* or monopoly and offers equal treatment and therefore equal opportunities to all. Indiyidual Musalmāns being socially equal can, however, be graded according to the varying degree of moral achievements or virtue (*Taqwā*) and honoured one over the other. Complete equality, thus, is out of the question.

Social inequality and unemployment would vanish when mankind begins to believe in the Islāmic principle that every human being has an equal right in the Divinely created means of livelihood. The Holy Prophet said, "I shall appear on the Day of Judgement against those who take work (from labourers) according to their capacities and do not pay them according to their work."

Islām emphasizes the dignity of human labour. The Qur'ān commands, "Expand in the land and search for Allāh's provisions."[151] The Holy Prophet said", "There is no livelihood better than that which is sought with the hand." Again, the Holy Qur'ān laid stress upon lawful means of subsistence[152] and the Prophet made it incumbent upon every believer to seek lawful sustenance.[153] "And eat of the lawful and good (things) that Allāh has given you. Do not forbid (yourself) the good which Allāh has made lawful to you and do not exceed the limit."[154]

While individual welfare is not to be ignored, public good is to be equally ensured. Public interests and objects of public utility are to be safeguarded. Common welfare is prior to individual welfare and as such there can be interference for public utility in times of emergency and private property can be taken away on compensation (*talāfī*). Ownership is not absolute but conditional.

"So that it (wealth) may not concentrate among the few rich"[155]

is the keynote underlying the Islāmic policy on economics. Islām has never recognized the existence of classes on an economic basis, nor believed in class struggle. Islām, on the other hand, preached reconciliation between the different interests of different classes of the people. In the Islāmic society, concentration of wealth is not possible on account of the Divine injunctions-payment of *zakāt*, observance of the rules of inheritance, parting with money in times of emergency, spending money in the way of Allāh, following the restrictions on testamentary disposition and adopting lawful means for obtaining sustenance.

The poor Muhājrīn once represented to the Prophet that the *Ahl-ul-Amwāl* also believed in and acted as they themselves believed and acted according to his (Prophet's) instructions. The Prophet replied "this is the Grace of Allāh and Guidance is alone from Him".[156] Thus, it is faith and not economic factor that can divide mankind into classes. Instead of the "Dictatorship of the Proletariate," Islām stands for the rule of the virtuous. Instead of matter, Islām believes in spirit and, therefore, in a harmonious combination of matter and spirit. Instead of a classless society, Islām believes in a progressive healthy society of material and moral well-being. Instead of a society in which the state is contemplated to wither away, Islām regards the existence of a political organization vital for the welfare and well-being of humanity. Under such a system of socio-political order, the question of "from each according to his capacity and to each according to his need" would not arise. Human incentive would not, thus, be lost, accumulation of wealth would involve principles of trust and its disbursement according to the Divine Commandments. There would be no need to resort to strikes, class war and revolution. Thus, economic activity is an integral part of the whole activity of man as a believing individual in relation to the ideals of Islām—social, political, moral and metaphysical—in the process of his self-realization. Hence, human wants are to be limited, means are to be discovered for their satisfaction through a universal organization based on Divine guidance. Believing in the unity of mankind and the fraternity of the Islāmic community, life in the Islāmic sense, constitutes a ceaseless struggle against nature in

order to subdue its elements with a view to securing the material and moral well-being of the believing individual, the fraternal community and the universal brotherhood, in accordance with the Divine Revelation. Some fourteen hundred years ago, Islām laid the foundation of an economy which, by emphasizing lawful means of sustenance, forbidding concentration of wealth in fewer hands, recognizing a share of others in the individual's capital, laying a responsibility on the employer for the welfare of the employed, regarding the sustenance of the individual member of the community as the responsibility of the government and describing wealth and capital as Allāh's trust to be spent in His way for the welfare of humanity, founded a society of material and moral well-being engaged in the pursuit of human welfare both in this world and the next.

The aim and object of man's life is human perfection. Perfection has a reference to that state of material and moral well-being, which lies at the basis of human welfare. The individual Muslim as well as the *Millat* are enjoined to strive hard for the attainment of the ethical ideal of Islām—enjoin good and forbid wrong. Human perfection has two aspects—speculative and practical. The speculative aspect consists in learning and the acquisition of knowledge. Believers are, therefore, instructed to acquire knowledge of the tenets of Islām. The practical aspect can be accomplished through the organization of an Islāmic political system. The political organization in Islām is, therefore, a means to an end—a life of virtue.

Islām as a Divinely ordained *Dīn* represents an ideal of a complete unanalysable reality; it forms a composite whole, wherein the so-called metaphysical, ethical, political, economic, sociological and cultural parts are so interwoven and interlinked that one cannot be separated from the other, and yet these aspects work together as a single piece of structure yielding a remarkable effect of a harmonious life and organization.

The metaphysical aspect of Islām is related to the life-giving and life-sustaining entity of Allāh, the universe created by Him and inhabited by man as His Representative. Of the two worlds, it has been mentioned in the Qur'ān that the present world is a "sleeping"

one and yonder is a world "quite awake". This world is, however, a genuine world and is not to be ignored in the interest of the world to come. Man's destiny is to realize his best self—his *Khair* in this world as well as in the next. The end of the believing man and the world-wide organization, *Khilāfat*, is the same, that is, *Khair*. *Khair* is the *summum bonum* or be all and end all of a believer; it is a Divine reward to one who acts according to His will and Command. And it is the duty of the political organization in Islām to actively help the individual in securing *Khair*. The object of a believer's life is not to seek his pleasure but the pleasure of the Almighty God.

In the metaphysical ethics of the West, man as a moral being has a moral end, which is, self-realization or the supreme good. Self-realization in that sense is not mere self-improvement or self-development. Bradley said, self-realization is not only realization of the self, but the self as a whole. It consists in a "complete identification of man with the world around him", so that the sense of isolation or separateness ceases to exist.

Islām determines a relationship between the believer and Allāh; between the believer and the Apostle of Allāh; between the believer and the universe or nature, between the believer and the community of believers and between the community and the rest of mankind. The relation between man and the universe is not of identification of the two but of subjection of the latter by the former in order to secure human welfare in this world.

Again the Western Idealists believe in evil and good as mere appearances—the lower and higher—"one-sided aspects, each over-ruled and transmitted in the whole." Their separateness or inter-mixture determines a measure of reality; the more the good in any thing, the more reality it has.

In Islām, *Dīn* is the perfect reality. Good and evil are two distinct phenomena, one is the negation of the other and not the transmission of one into the other: good and evil are distinct and separate. A believer's conduct is good when he enjoins good; his conduct is bad, when he adheres to evil. *Sharī'at* as the spirit of law in Islām determines what is good, which is to be enjoined and what

is evil which is forbidden. The believer who follows the Sharī'at and accordingly does good deeds and avoids evil ones, is *Mutaqqī* or righteous. *Taqwā*, therefore, consists in *Sharī'at*-abidedness.

The political organization of Islām depends for its very existence and survival on the maintenance and promotion of the specific ethical ideal—"Enjoin good and forbid wrong." It is equally incumbent on the believer-citizen in the political organization of Islām to conform to this ethical ideal. Ethical discussion or moral discourse is, therefore, related to human conduct. Actions exhibit moral principles. Morality, in the Islāmic sense, consists in the higher consciousness of doing the right thing as distinguished from the sense of wrong doing. Islām instils in man that higher sense, which is dominant in the conduct of his life. Moral principles and good conduct go together. The basic principle of the truth as revealed to the Prophet, the concept of good and bad as determined by the *Sharī'at*, and the universal application of the moral principles so evolved, culminate in the promotion of a righteous conduct (*taqwā*). The Prophet of Islām came as the true representative of all that was exemplary in human conduct.

Taqwā or righteous conduct is the root of *Khair*, which is to be distinguished from the Western ends of moral life such as the greatest happiness, satisfaction of human wants, promotion of human interests and good, beneficial to man. *Khair* constitutes the highest spiritual attainment that man is capable of achieving.

Taqwā deals with the principle of truth. The real concept of truth emanates from Allāh, and is embodied in the supreme reality manifested by the *Dīn*. Both the truth (Qur'ān) and the reality (*Dīn*) are, thus Divinely revealed to mankind through the agency of the Last Prophet. *Taqwā* is, consequently, acquired though submission to the Divine Will as manifested in the *Sharī'at* and by following the traditions of the Prophet. True guidance is Divine in character.

Sharī'at, representing the Will of Allāh, sets up a standard of good and bad or virtue and evil. Those who abide by the *Sharī'at* enjoin the good and forbid wrong. The problem of *Taqwā*, which is *Sharī'at*-abidedness, is therefore, the problem of human conduct

and actions. There are many categories of human actions but actions are considered good or bad in accordance with their intentions. In Islām, the concept of good and the nature of good conduct are Divinely revealed and determined. Good or intrinsic good in the Western ethics, as explained by C.E. Moore is supposed to be a single unanalysable property, impossible to be defined, so that moral truths are known to be true by intuition. To Sartre, goodness is a quality, which will never be reached. In Islām "good" is not to be discovered by intuition, nor it is beyond the reach of human endeavour; good consists in doing good to humanity; it has a social bearing: Good men are known by their good deeds, and good deeds are specifically enumerated in the Qur'ān and *ḥadīth*. Good and evil deeds have their respective consequences—Divine reward or punishment.

As against intuitionism, emotivism believes in the words of Stevenson that the "major use of ethical judgement is not to indicate facts but to create an influence". The purpose of a moral discourse is to influence the attitudes (not beliefs) of the audience and in consequence, conduct. This position is not tenable as a moral discourse is rendered in a dispassionate manner and is devoid of influence. R.A. Hare, therefore, concluded that the essence of moral discussion is not influence but guidance or prescriptive discourse.

The Islāmic point of view in ethics is different from both emotivism and prescriptivism. Firstly, ethics in Islām is Divinely ordained and not man-made. Moral principles, accordingly, have a Divine origin and as such are both influential and prescriptive. Secondly, the Qur'ān containing *Dīn*, the supreme reality, is a guidance to the *Muttaqqī*. Thirdly, the truth emanates from Allāh and enunciates the concepts of good and evil, characterizing good and bad conduct. And lastly, the word of Allāh and the Traditions of the Prophet are to be followed by the believer in his faith and action. Hence the word moral in Islām is Divine in character: it imparts information to the believer, it effectively influences his conduct and offers supreme guidance to him. The moral man is styled as *Mutaqqī*. The moral system forms a part of the supreme reality, the *Dīn*. The moral discourse is concerned with the principle of *Mā'rūf* and *Nihī* and the

end of the *Mutaqqī* is *Khair*. The believing Musalmān follows the *Sharī'at* and acquires *Taqwā* and in this way seeks the pleasure of Allāh. And Allāh is the "good goal of life."[157]

Rousseau referred to the Christian political system known for a division of spiritual and temporal power and compared it with *Khilāfat*, which combined ethics and politics in a single political organization. Rousseau said: "Jesus came to set up on earth a spiritual kingdom, which, by separating the theological from the political system, made the state no longer one, and brought about the internal divisions which have never ceased to trouble Christian peoples... Mahomet [Muḥammad May Allāh's peace be upon him] held very sane views, and linked his political system well together, and, as long as the form of his government continued under the Caliphs who succeeded him, that government was indeed one, and so far good."[158]

NOTES TO CHAPTER XII

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ISLAMIC POLITICAL THEORY

ERRATA

Page	*Line*	*Note*	*For*	*Read*
5	1		Ailah	Allāh.
17	3		iaw	law.
19	8		Latif	Laṯīf.
20		2	Aptor	Apter.
		23	Correct as	شرعهٓ
28	26		rememberance	remembrance.
32	24		And	"And.
36	28		charter	Charter
40	2		idolatory	idolatry
43	15		Hanifah's	Ḥanīfah's
44	8		religions	religious
46		47	Correct as	يويد الدين
55	11		deeds"	deeds
61	15		you	your
68		4	Matba	Maṯba'
		18	Nuesebih	Nuseibeh
	3	25	Correct as	القوم
69		49	Correct as	ما با نفسهم - لايغير
		61	Abi Daud	Abū Dā'ūd
70		67	Correct as	خلئف ء
		68	Correct as	يداؤد انا جعلنك
		69	Correct as	عبادى الصالحون

		72	Correct as	اولئک
	1	76	Correct as	با لمعروف
	2		Correct as	اولئک
71		105	correct	حمل
		110	Abi Daud	Abū Dā'ūd
		126	Abi Daud	Abū Dā'ūd
72		145	Afghani	Af<u>gh</u>ānī
84	23		"and as"	"as"
86	28		"says	says
102		96	Correct as	السمٰوات
		98	Correct as	السمٰوات
		102	Correct as	فتعلٰی
103		117	Correct as	الملک
		126	Correct as	للّٰه
		129	Correct as	حلیفهً
		130	Correct as	جعلنٰک - خلیفهً
113	9		Muhajirins	Muhājirīn
116	27		offe	offer
124	28, 29 and 30		proletariat	proletariate
126	12		Khair	<u>Kh</u>air
127		11	Correct as	بعثت
128		51	Correct as	بعثت لاتمم
		55	Correct as	خلیفهً
			augal	angel
		56	Correct as	یٰداؤد انا جعلنٰک خلیفهً
		57	Correct as	فالا ول
129		72	Correct as	فی قریش
		73	Correct as	هذا الا مر فی قریش
		82	Correct as	هذا الحی

		83	Correct as	اسمعوا و اطيعوا و ان
		85	Correct as	قبله الرسل
		86	Abi Daud	Abū Dā'ūd
		96	Correct as	خلافة
		97	Correct as	لوا
	1	—102	Correct as	لا تسال الامارة فانک ان اوتيتها
	2		Correct as	اعطيتها
			Abi Daud	Abū Dā'ūd
		104	Abi Daud	Abū Dā'ūd
130		111	Correct as	Delete و ماقبه
			Abi Daud	Abū Dā'ūd
131		155	Abi Daud	Abū Dā'ūd
		159	Abi Daud	Abū Dā'ūd
	1	165	Abi Daud	Abū Dā'ud
	2		Correct as	عن رعيته فالا مام الذى
	3		Correct as	والمراة راعية على بيت وهى مسئولة عنهم
	4		Correct as	على مال سيده
148		31	Sahin	Ṣaḥīḥ
		52	Correct as	خلافة
151	18		any	nay
170		7	Correct as	وا طيعو الرسول
			distate	dictate
172		108	Correct as	يقتل احياء
197	27		Jihād	Jihād)
201	25		an	on
205	29		he	be
234		1	Correct as	فى الاسلام
235		47	Correct as	كى لا and add منكم at the end
		49	Correct as	وانفقوا من ما and delete بعد كم

238	22		door	doer
257	14		Verly	Verily
258	4		he ls	heels
273	21		the the	the
304		57	Khald n	<u>Kh</u>aldūn
305		83	Khulafah	<u>Kh</u>ulafā
		92	Ammal	‘Ummāl
306		155	Correct as	ک لا
308		7	Mazahir Haq	Maẓāhir-ul-Ḥaq
		4	ul	*il*
		9	Nazr	Naẓaria
		13	Kanzak	Kanz-al-Daqāiq
309		18	Maslah	Masalah
				Nasāi in place of Nisāī, occuring in the Book.

ABOUT THE BOOK

Dr. Aziz in the present contribution has tried to state and has used an explicit method of paradigmatic analysis. The essence of this method, keeping in view the genesis and the nature of Islamic Political System is: (i) individual identity, (ii) togetherness, (iii) Sociologism, (iv) legalism, (v) scientism and (vi) axiologism or value-orientation patterning. Dr. Aziz believes that in the political system, institutions and theory some pattern and some truths exist. They can be known, and Dr. Aziz in contradistinction to the few contributions made by oriental and occidental scholars, has made known them through factoral analysis, categorized in the factors referred to above. By giving expression to the value orientation pattern system of the Islamic political system, Dr. Aziz not only opened a new avenue for the analysis and critical evaluation of the Islamic political system, but, he has persuaded to see the inconsistencies of the studies made by these scholars. Thus, the present work is a challenging book—a revolt against the conventional research thinking that Islam has nothing new to contribute in political thought, except stereotyping—the reproduction of Grecian or Roman thought.

Dr. Aziz has analyzed the Islamic thought as a system in terms of system, i.e., arrangements in the frameworks of pattern system, culture system and above all as an ideal pattern. The book is creative and unique, because Dr. Aziz has taken a new lead in the direction of the political study. He has for the first time in the researches of Islamiologies in general, more particularly in politics, concentrated his attention on the political culture of Islam, because he is concerned with the context of values and beliefs within which political conflict takes place.

One of the beauty of this book is to be seen very clearly in the remarkable dimentionality of the Quranic dictions, terminology and phraseology. Nobody so far ever hinted that the terms which are used in *Tafsir*, Quranologies, *Hadith*, Haditheologies, *Fiqh*, theology, religion and philosophy of religion, may be used in politics, social sciences and other systems of cognition, knowledge and truth. This denotes two things. The universal polarity and dimentionality of

(*continued overleaf*)